JUMBLATT'S ASSASSINATION IRENE L. GENDZIER

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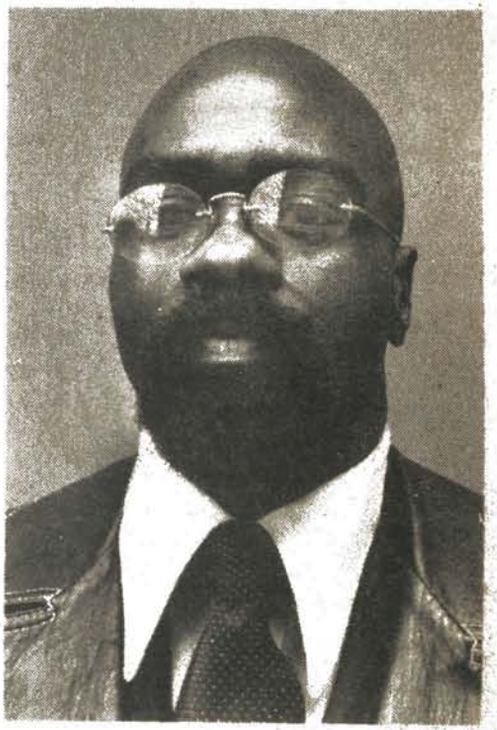

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EDITORIALS

Admiral of the Covert Seas

We mustn't through oversight overlook the overview as we consider the bureaucratic words of the new chief of the intelligence community on its mission, role and function (*Face the Nation,* CBS, March 20).

The above concoction of clichés suggests the tone taken by Admiral Stansfield Turner as he discussed what he's up to as this country's superspy. But the substance of what he said is no laughing matter. It came from the chilliest days of the cold war, and was crammed with political judgment and advice that should be none of that exalted functionary's business, whether or not he sports an admiral's gold braid. Beyond that, his words boldly flew in the face of what President Carter has said on the subject, and contravened the national consensus against the excesses of the spy agencies, which seems to have been one healthy byproduct of Watergatism.

There has been a distressing tendency on the part of recent CIA directors to "sell" the image of the "intelligence community" to the American people. Beginning with William Colby, the attempt has been to make it seem like your friendly neighborhood snoopers—one recalls J. Edgar Hoover's "This Is Your FBI" and other media hypes the late FBI boss encouraged to make the federal bloodhounds more lovable. It would be much better if the spy agencies, foreign and domestic, were kept on a short leash in their dark closets, altogether removed from the business of public relations. But that is not the way we do things these days and there was the skipper of the CIA smiling away like any other TV celebrity on a quiz show.

Admiral Turner was, naturally, vague on specific operational matters—would CIA data on Korean bribery of Congressmen be made available to prosecutors, if it came to that; to what extent are Cubans involved in the Zaire affair? But he was quite outspoken on matters of high policy which should, in fact, be none of his business.

For instance, he offered the judgment that the world's "military balance is gradually eroding toward the Soviet side." He made that statement, or estimate, after declaring that "the will and resolve of the people of the United States is too great to permit" the Russians to become the dominant power in the world. We would have to "strengthen ourselves" in various ways, he said, but that did not necessarily mean "a massive new military program," as one of his questioners put it.

On the matter of strategic arms limitation, clearly a high priority item on President Carter's list, Admiral Turner threw a rather dark shadow. He remarked that "my job, as I see it, is to advise whether we can verify what is agreed," and that it is up to "the ingenuity of the intelligence community in being able to let us go ahead with arms negotiations." It is not hard to imagine the grilling Turner will be subjected to by the likes of Senator Jackson on whether he is triple-plated positive that the Russians cannot inch ahead of us in some category of arms, despite any treaty provisions. And it is not paranoid to suspect that in his new role Admiral Turner may be unable to shed the military's ingrained disposition always to want more and yet more of everything.

On another aspect of the intelligence business—sanctions against those who "leak" our secrets—Turner seemed curiously out of sync with the President. Civil penalties for those who "release" unauthorized information, as Turner oddly phrased it, is all Carter has said he wants. The new CIA chief, however, said he "was amenable to studying amendments to the legislation which would have criminal sanctions." Press and public will be interested to learn whether this is just a clumsy inadvertence or a policy Turner will fight for within the federal bureaucracy. His remark that he does not "advocate an Official Secrets Act in the British form" hardly dispels the specter of that dreadfully repressive law.

What stands out in this interview with the new boss of the CIA is that very little has changed in the habits and attitudes of the "intelligence community." Despite all the errors, illegalities and scandals of the past, Turner seems to represent that bad old tradition with changes so slight that they can scarcely be called reforms. He talks about a "delicate oversight procedure" (which would make a horse laugh, delicately) and the "three very distinguished senior gentlemen" who theoretically keep a watch on the activities of our enormous spy apparatus (that board, appointed by Gerald Ford, is composed of Robert Murphy, Leo Cherne and a retired general), but one is left with the impression that those delicate old gentlemen are really there to make sure that the dirty work is carried out according to protocol.

There was no sign in the interview that the CIA was sticking to its original last—the gathering of information about what other nations might have up their sleeves. There was every indication that the agency intends to go on having a policy role in American foreign affairs, pressing its "operational" views on the Executive and acting on them, with or without permission from above. The rest of the world may well conclude from what Turner did and did not say that the United States will go on maintaining dirty-trick squads and assassination professionals in the style we used to think belonged to despotisms alone.

If President Carter really means to bring the intelligence agencies to heel, he will have learned from the performance of Admiral Turner on *Face the Nation* that there is a long way to go before he can count on their observing the decencies of a free society.

Voting with Their Brains

The elections in India surprised everyone—everyone, that is, but the man perhaps most responsible. Jaya Prakash Narayan, the frail ascetic who led the opposition which Prime Minister Indira Gandhi attempted to crush with her state of emergency in 1975, reportedly scoffed at his supporters six months ago when they warned that to court elections was to court disaster. Narayan said that dictatorial powers had given Gandhi the appearance of strength, but that if the emergency were relaxed even slightly, the passion for democratic freedoms would "spread like wildfire." The flames he foresaw have now

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lishment. In 1965 he joined a newly established leftist front which included his own Progressive Socialist Party, the Lebanese Communist Party and a number of other extra-parliamentary individuals and groups. During a short tenure as Minister of Interior in 1969, Jumblatt was in charge of implementing the Cairo Agreements, designed to regulate relations of the Palestinian Resistance and the Lebanese state. In his capacity as minister he also helped to legalize the Lebanese Communist Party. In the early 1970s Jumblatt was elected secretary of the "Arab Front for the Support of the Palestinian Revolution," a front that joined the efforts of pro-Palestinian Lebanese and Palestinians. It was inevitable, then, that he should be deeply involved in the present civil war. For Jumblatt and the Left, the situation of the Palestinians was an inextricable if distinct part of the Lebanese problem, but neither Jumblatt nor the Lebanese Left ignored the internal roots of that problem nor the urgency of altering the existing political structure of the Lebanese state as a prerequisite to a resolution of the crisis.

Almost a year ago more than 80 percent of Lebanese territory and more than 75 percent of the population was under the control of the Left. The machinery of foreign intervention geared itself to prevent the possibility of a leftist victory. Syrian, Israeli, and big-power intervention considerably affected this possibility and remains committed to its defeat. It is in the context of this quagmire in which so-called Arab peace-keeping forces, the Syrian military occupation, and the war in the south continued unabated, that one must consider the political climate that made the assassination of Kamal Jumblatt possible. And it is in this light that his murder appears as evidence not only of the continuation of the civil war but of the continued intransigence of those parties and forces opposed to any fundamental change in Lebanon, lest it deprive them, and those who profit from them, of their power.

IRENE L. GENDZIER

Class Action for Abortion

If ever class-action lawsuits were both well-named and justified in equity they are the suits being brought by the Abortion Rights Mobilization to compel public hospitals to offer abortion services in accordance with the 1973 Supreme Court decision guaranteeing those rights. This is so, of course, because it is the women who cannot afford expensive private medical attention who are the victims of what amounts to discrimination on a class basis.

If you have the money to pay for an abortion there are practically no obstacles any more; if you are poor, they are overwhelming. It was that kind of unfair discrimination by class that the 1973 decision was supposed to eliminate. The "right-to-life" zealots, backed by the Roman Catholic hierarchy, have worked to block that constitutional ruling so effectively that only about 10 percent of abortions are done in public hospitals.

Announcing a national campaign of legal actions to compel compliance with the Court's ruling, Abortion Rights Mobilization charged that 82 percent of the country's public hospitals are still not providing the services the law requires, and that more than 260,000 women a year are refused them by public hospitals. Those who wish to help the campaign can write to Abortion Rights Mobilization, 333 East 23rd St., New York N.Y. 10010.

Human Rights: Sermons or Substance

Fouad Ajami

To judge by the rhetoric of the Carter administration, by the space devoted to them in American newspapers, human rights are to this administration, at least symbolically, what balance of power politics and stability were to the previous one. Yesterday, Nixon and Kissinger told us that they wanted to rid American foreign policy of its moralistic overtones, its tendency to project its values onto a complex world, its desire to create a world in its image. In that spirit, the Nixon-Kissinger policy sought to dissociate issues of foreign policy from questions of morality. What regimes did in their own society was their business: the task of foreign policy was not to reorder international morality but, insofar as it was possible, to guarantee order and stability. Indeed, Nixon and Kissinger seemed most comfortable when dealing with Communist or Third World regimes whose leaders could negotiate without the "bickering" and "inefficiency" of democracy, with regimes that could deliver their constituencies and keep radical and ideological politics at bay. Let the natives live by their own rules, Nixon and Kissinger advised, for democracy is a rare plant that flourishes on American and European soil. The rest of the world was doomed to tyranny and dictatorship.

The principal assumption of the Nixon-Kissinger policy was that foreign policy stops at the water's edge, that there is no relation whatsoever between the way America conducts its business abroad and the way it orders its domestic politics. Watergate shattered that premise. Dimly and vaguely, Americans began to perceive that there was an intimate and organic relationship between a country's foreign policy and its own domestic politics. Watergate produced in American society an understandable desire to cleanse itself of cynical politics; it made possible the election of Mr. Carter; once again it became respectable to moralize in politics. If America was yesterday willing to hail Brazil's concern for human rights as Mr. Kissinger did during a visit to that country, the Carter administration was now ready to condemn Brazilian policies. If Mr. Ford had refused to meet with Solzhenitsyn, Mr. Carter and Mr. Mondale were now willing to meet with a less celebrated Soviet dissident. Uruguay, Argentina and Ethiopia were now told that their violations of human rights would limit American aid; friend and foe were informed that human rights were a serious concern with high priority on Mr. Carter's agenda.

What the recent rhetoric shows is that the American

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pendulum rarely stops in the middle; it swings from one extreme to the other. The moralism and sermons of the new administration are in part therapy and catharsis; they are an attempt to compensate for yesterday's mistakes and omissions. But if yesterday's errors were excessive cynicism and lack of concern for the losers of the earth, today's rhetoric suffers from too much hubris and superficiality. Sadly, if the past serves us as a guide, in today's rhetoric lie the seeds of future disillusionment with human rights, when America, after a year or two of posturing, concludes that that venture has failed and that it had better return to a more "realistic" foreign policy.

America needs to hit upon a sensible and humane way to address the widespread attack on human rights throughout the world. This is so not only because the bonds of human solidarity require it but also because there is a point at which the erosion of liberties elsewhere threatens the moral integrity of our own society. That point may be difficult to specify, but in an interdependent world system its existence is a fact of life. However, care must be exercised lest the American concern begin to smack of self-righteousness and hypocrisy. The recent pronouncements by Carter and other American officials obviously run those risks. The President and his Secretary of State criticized Argentina and Ethiopia, but overlooked violations in south Korea and Iran. The reason is obvious (indeed, it was stated): Korea's strategic importance and Iran's oil and geo-economic significance exempt them from heavy American pressure. Morality is thus selectively applied. Regimes are told that they cannot repress their own populations unless they have the power and strategic significance to do so.

If the preceding raises problems of inconsistency there is another, perhaps in the long run more serious, problem: it concerns the *relevance* of America's vision of what human rights are about. The new consensus on human rights focuses on dissidents, intellectual freedom, procedural rights and the like. These are legitimate and essential concerns, particularly in the Soviet Union where a struggle goes on between an authoritarian bureaucracy and the determined resistance of intellectuals and dissidents, their desire for private space, their yearning for expression. On these issues the American consensus is forthcoming and simple enough. Opposition to Soviet abuses is rooted in the reigning liberal ideology of the West; it is reinforced by cold-war politics which despite détente, leaves sufficiently deep anti-Soviet sentiments.

It is in the Third World, in the context of North-South relations, that America's conception of human rights confronts the issue of relevance. There, the American emphasis on procedure, on political form, is not sufficiently sensitive to broader mass-based freedoms and rights: freedom from premature death, from hunger, the right to clothing and shelter. How much America can or should respond to these needs and freedoms is a matter not easily settled or resolved. But America's opposition to Third World demands for a new international economic order, its rejection of global redistributive schemes that might do something about human suffering, suggest a basic paradox in its global position, a flaw in its current attitudes toward human needs. That flaw is probably inherent in the liberal tradition itself, its attentiveness to procedure at the expense of substance, its inability to address the needs of the poor and the downtrodden.

Hard thinking is needed to bridge the gap between America's commitment to human rights and procedurally just politics on the one hand and its position on North-South economic issues on the other. In the absence of that, the American concern is not likely to strike others as morally compelling or relevant at this time to the needs of the majority of mankind. Procedural rights make sense only when they are underpinned by more substantive ones. And it is with these substantive rights that the new consensus has yet to grapple.

Three years ago, Mr. Brzezinski, President Carter's National Security Adviser, rightly criticized the Nixon-Kissinger policy for what he called its "predilection for the acrobatic over the architectural": too much theatre, too little substance. Does not Carter's policy on human rights show the same predilection? Has this become, thanks to what Brzezinski himself labled the "technetronic revolution" and the proliferation of images, the essence of contemporary politics? Have theatre and acrobatics overwhelmed substance and blurred, beyond distinction, the difference between image and reality?

ISRAEL'S DISILLUSIONED VOTERS

THE KNESSET FACES A SHAKE-UP

ASHER WALLFISH

Jerusalem

Israel's May 17th general election for the Knesset, its single-chamber Parliament, seems certain to mark its first real political shake-up in its twenty-nine years of sovereignty. The influence of the dominant Labour Party, whose power has perceptibly eroded over the years, cannot fail to be dramatically weakened in this election. However, where Labour in the past lost Knesset seats to the right wing, this time it will lose them to a new middle-of-the-road citizens' party, which has given refuge to talented fugitives from Labour.

The internal upheaval comes in a year when international pressures from Arab neighbors and from Western

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supporters will cause greater confusion than usual, but probably not before the election. Therefore, the new government will be called upon to make crucial decisions concerning peace and territories. Yet it may be weaker than any of its predecessors, and less able to take effective decisions at a time when they are most required.

Prime Minister Yitzhak Rabin could have waited until November to hold elections, but he was tired of being harassed by the small coalition partners on whom Labour relies to stay in power. He was troubled also by the challenge of Defense Minister Shimon Peres for the top spot on the Labour Party election list. Since Israel won its independence, the top Labour figure has almost never been opposed for the Prime Ministry by anyone within the party. Succession has occurred by death or resignation.

Labour has never had a majority in the Knesset, but it has always come close enough to fashion a coalition and dominate its partners. Without Labour, no government could be formed. But the party will emerge from the May elections just enough weaker that it will be unable any longer to dictate. It will have to form a coalition that pays heed to its partners' terms; if it does not, it may well find itself in opposition for the first time in its history.

Whatever the outcome, Labour will lose its primacy in the economic, financial, social and trade union fields, a primacy on which it depended to support and perpetuate its political power. Once lost, that primacy will never be regained, so Labour's political power will be permanently weakened. Israel, in the long run, will become a different sort of country—better, perhaps, in some ways; perhaps worse in others.

Why are Israeli voters turning increasingly away from Labour, now of all times, after twenty-nine years? More and more they feel that the party has lost much of the pioneering drive that made this country both possible and admirable. They see it as fat and lazy, no longer willing to realize the ideals that attracted Socialists from many lands. Like all political parties which gain and keep power, it drew in the climbers and the hangers-on.

This feeling has done much to feed the cynicism that became an unexpected trait of post-independence Israel. "Zionism," which had inspired young Jews since the 1880s, became identified with sanctimoniousness among many young Israelis. They have leveled their disdain at all the political parties, but above all at Labour, which had always directed and inspired the pioneering drive to reclaim waste land and establish collective and cooperative villages. In a vicious cycle, the cynicism that drove young persons of talent and integrity away from the Labour Party, has produced an even duller and more materialistic leadership.

Labour was accepted as the leading party—though not always with affection—as long as it got results. It won support before 1948 by building an effective defense force, the Haganah, and by bringing in large numbers of Jewish refugees, despite the British blockade. It was admired after 1948 for a vast program of immigrant absorption and land settlement, of urban development and industry. It raised a state army that won wars despite awesome odds against much larger Arab forces that continually threatened to swamp or strangle the tiny young country. For all this, Labour claimed credit and got credit in election after election.

Its sharpest threat came from within. Internal squabbles over internal party hegemony were fought on ideological grounds that helped perpetuate them. This lowered Labour's credibility, especially after 1967 when the future of the areas seized in the Six Day War provided ample material for ideological argument among rival cabinet ministers.

The Six Day War introduced a host of destructive forces. An economic boom, with soaring immigration and big military budgets, brought sudden wealth and "black" money to some sectors. It raised a nationalistic spirit, especially within the right wing. It created a holy fervor in the country's distinctive religious parties (which together account for one-eighth of the Knesset).

Today's turgid political situation can be better understood from the fact that this bubble of euphoria subsided after the Yom Kippur war of 1973. The May 17th election, the first in the Yom Kippur aftermath, will bring to the polls a public that is worried about a complex of problems which it tends to blame on the government in power.

The electorate is worried about the emerging phenomenon of white-collar crime, of private and public corruption. It is troubled by an incessant labor unrest which in turn reflects an inflation of more than 100 percent since the 1973 war. It is confused by endless debates about the occupied areas, the West Bank especially, and the dilemma of reconciling withdrawal with secure borders, in an effort to attain peace. It is weighed down by the defense budget and by the domestic as well as the foreign indebtedness.

Corruption is the most recent and most dramatic of the phenomena that dismay the Israelis. It came to the fore with the trial of Asher Yadlin, a man high in the Labour Party who confessed in February to taking big bribes, but told the court he gave all the money to the party. The country's major parties have always kept their financial affairs to themselves, and the top leaders, those who stood in full public view, had themselves no real knowledge of the financial intricacies. A handful of treasurers cajoled and pressed and juggled with funds, without observing a clear line between legality and illegality; not all their manipulations went through the books.

Business firms great and small, as well as public and trade union corporations and institutions, were persuaded for the first twenty-five years of nationhood to finance the major parties; then the Knesset passed a law that granted them subsidies to run their year-round operations as well as their election campaigns. However, the law did not put an end to the raising of funds by persuasion, some of it more than dubious.

Few Israelis were aware of these shadowy party financing operations, and those who did know said they were powerless to change what had become a pillar of political life. All the major political groups educated their adherents to believe that the part is more important than the whole, that the party is more deserving of loyalty than the state, or society as a whole. Hence many ques-

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tionable practices came to seem legitimate if they advanced the interests of the party.

The Socialists argued that they had to use every expedient to raise funds, since the right-wingers got as much as they wanted from Israel's "capitalists." The Right argued that it had to tax all its supporters in business, industry and the free professions, since the Socialists could tap the state and union enterprises which they controlled by dominating the boards of directors. Both wings argued that funds coming to the state from Jewish and Zionist campaigns abroad had to be tithed for the parties, so that the political system could go on functioning and directing the country's development. In a word, every group was getting its cut, or its share of contributions from well-wishers, and nobody wanted to rock the boat.

That being the situation, the present concern here about corruption may not give the right-wing Likud all the votes that Labour loses. The public lumps all the old established parties together when it protests the financial shenanigans. The Likud picked up some votes when, after the Yom Kippur war, the Labour government was accused of unpreparedness and complacency. Today the Likud has forty Knesset seats in a chamber of 120, as compared with Labour's fifty seats (along with Mapam, its partner to the Left). In 1973, the Likud attracted Labour defectors who criticized their former party on security grounds, but that is not an issue in this year's election. Nor, it seems, will the tug of war between socialism and conservatism gain much ground for the Likud. The voters whom Labour will lose are for the most part those who believe the party has fine ideals but cannot, or will not, live up to them—and such voters are not right-wingers.

The Likud, moreover, for all that it is the second biggest party in Israel, suffers from long habituation to opposition and from an image of a dull leadership. Its members, who have never held office except for a brief national unity coalition after the Six Day War, display all the reflexes of a permanent opposition. The party's detractors say that it can be happy only out of office, where it can keep up a barrage of protest and indulge in the ceremonial rhetoric that distinguishes the foes of the establishment.

The Likud will find it hard to draw even with Labour, in parliamentary terms, because its front ranks have no sparkle. A merger of three main right-wing factions, led by the Herut Party which sprang from the Irgun Zvai Leumi of pre-1948 days, it is overshadowed by one man —Menahem Begin, former Irgun commander. Over the years, anyone talented enough to compete with Menahem Begin was elbowed aside; those who remained were loyal but unimpressive. Nor have Begin's two allied factions in the Likud any stars to offer the electorate. And the Likud has suffered its own losses in the months before the election. The brilliant, ebullient, but politically naive ex-general, Ariel Sharon, siphoned off Likud members who were disappointed with the old leadership image, to form a party of his own.

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The new factor on the Israeli political scene is the Democratic Movement for Change (DMC), a middle-of-the-road citizens' party which as yet has no achievements to its credit, and no errors for which to be blamed. Led by Prof. Yigael Yadin, the archaeologist and explorer of Masada, who was the country's second chief of staff but never engaged in politics, the DMC is the epitome of the protest vote. It contains talented ex-Labour members, concerned intellectuals, new immigrants, prominent ex-army officers, efficiency-oriented industrialists, and a host of ordinary Israelis who say that the political ills of the older parties cannot be cured from within.

The DMC's motto is "clean-up"; it wants to reform the electoral system and the civil service structure. It would keep the basic principles of Israel's remarkable welfare state system, but urge the labor force to work harder and be less ready to strike. Its followers see the DMC less as a party with a platform, than as one presenting new men, untainted by compromises, commitments, or financial fiddles.

The two religious parties can always expect to retain more or less the same number of Knesset seats. The main characteristic of the larger one, the National Religious Party, is its tendency to become increasingly nationalistic and anti-Labour; the chance that it would join a future coalition with Labour is not good.

International pressures are not having a marked effect on the main parties or on their election campaigns. Israelis sense that the United States is keeping a low profile in its contacts with Jerusalem. For all its eagerness to see substantial movement this year in the Middle East dispute, the Carter administration is plainly loath to talk tough, lest it encourage the Israeli voter to abandon the doves and seek refuge among the hawks. Accordingly, the main political parties are getting very little use out of such foreign policy developments in their election propaganda. Only Ariel Sharon sounds a warning that the United States seeks to squeeze Israel.

The Arab states have been showing the same caution as Washington. No Arab leader believes it worthwhile to sweep Menahem Begin and his right-wing don't-give-up-one-inch Likud into power, just for the satisfaction of uttering a few threats. The Arabs, therefore, like the Americans, have counseled themselves to patience, hoping that Israel will return a government more dovish than the one now in power.

Barring an unexpected threat from across the borders, Israel's military situation will therefore play a minor role in the elections. Nor is the nature of a possible arrangement with the Arabs likely to figure any more prominently than it has in previous elections, even though both the Arabs and the United States have expressed their belief that negotiations really must get moving. However, all the parties have enough domestic material on their agendas to give the voters meaningful choices. So the can-

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didates will not spend much time on foreign policy, territories, withdrawal and peace, where the arguments are theoretical and the future a huge question mark.

What sort of government can emerge after the May 17th elections? Plenty of traps lie in wait for the reckless electoral prophet, but one prediction is sure: the next government will be feebler than the present one. Labour, which has never had a majority, will be at even greater disadvantage after the elections and will take on the aspect of a "medium size" rather than a "large" party. At the same time, the Likud will be thwarted in its ambition to grow from a medium size to a really large party. The DMC will get into the Knesset, but with how many seats is anybody's guess. It will have to choose the role either of a component in some coalition or of an irritant to some coalition.

The plague of Israel's political scene has always been the inability of any single party to rule on its own. The results have been haggling, compromise, under-the-table deals in the effort to form alliances. In this world of seesaw politics, small coalition parties wielded much greater power, enjoyed much greater patronage, and were assigned many more cabinet ministries than their size in the Knesset warranted. The religious parties, for instance, were allowed their own educational system, with state funding. For many years they remained in control of crucial government departments (and the budgets accruing to them). They built up a power base and were able to turn religious norms into national norms by state law.

Coalition has produced weak governments that ruled on the basis of the lowest common denominator, and did as little as possible in the spheres of foreign policy and economic reform, despite the country's hazardous position in the Middle East and serious economic situation.

In Israel, greater democracy has gone hand in hand with less government, and this pattern seems sure to be even more distinct after May 17. Coalitions will come into existence with greater difficulty, and will fall more easily, to be replaced by others that may be no more solid. The picture may be much like that of France after World War II, when governments followed one another in rapid succession, to the detriment of the nation.

The present electoral system whereby Knesset members are returned on a countrywide list, and do not represent geographical constituencies, allows even a very minute group to voice its views at the parliamentary level, but militates against large, effective parties, and dissociates voters from their Knesset members. Therefore, now fearing parliamentary anarchy, the two biggest parties, Labour and the Likud, will almost certainly get together on an electoral reform program that would provide constituency representation. It would have popular appeal and at the same time work to squeeze out the smaller parties. In the process, Labour and the Likud will polish their images, clean their houses, and get ready to compete for the electorate in 1981. It may seem surprising, but prescient analysts believe that this year Labour and the Likud may well establish a national unity government that would try to slow negotiations in the Middle East dispute to a pace that would distract as little as possible from their preoccupation with party and electoral reform. □

AN AMERICAN TRAVESTY

'Hurricane' Carter's Second Trial

JAMES B. LIEBER

Today the bar at the corner of East 18th and Lafayette Streets in Paterson, N.J., is called The Zodiac and caters to blacks. Eleven years ago, when whites still inhabited Paterson's East Side, it was known as The Lafayette Grille. Some time before 2:30 A.M. (the exact time never has been established) on Friday, June 17, 1966, the boozy tranquillity of the place was shattered by two men, said to be black, who pumped shotgun and pistol fire into James Oliver, the barkeeper, and his patrons, Hazel Tanis, Fred Nauyaks and William Marins. All the victims were working-class whites, and all but Marins were mortally wounded. Nine months later, Rubin "Hurricane" Carter and John Artis went on trial for triple murder.

Key witnesses Alfred Bello and Arthur Dexter Bradley, two white habitual criminals, told the court that during the early hours of June 17 they had been breaking into a warehouse down the block from The Lafayette Grille. Bello said that he had faced Carter and Artis from less than 15 feet as the suspects walked away from the bar toting, respectively, a shotgun and a revolver. Bradley also fingered Carter, but not Artis. Both witnesses insisted that they had received no favors or deals in return for their testimony, just "protection."

The defense countered that, after the killings, police had brought Carter and Artis to the scene, where Bello and Bradley had failed to identify them. Instead, the burglars had mentioned seeing two black males, each about 5 feet 11 inches, but no faces.

Evidence came also from those who had viewed the killers at point-blank range. Two victims died instantly, but police reports read into the trial record indicated that officers had presented the black defendants to Hazel Tanis (who lived out the month) and William Marins, neither of whom recognized the men as their assailants.

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Tanis and Marins described a pair of blacks, both about 6 feet, which agreed with what Bello and Bradley had said at the scene. Carter is 5 feet 8 inches, Artis 6 feet 1 inch. Independently, Tanis and Marins recalled the man with the shotgun as slim, light-skinned and with a pencil-line mustache. Carter, whom the state accused of using the gun, was jet black, thickly goateed and built like an artillery shell. Artis, incidentally, was cleanshaven.

The shooting had cost Marins an eye but he lived to testify. Openly hostile to the defense and especially to Raymond Brown, Carter's black lawyer, he ducked his earlier statements, claiming they had been made while he was "in shock." But Brown pinned him down, and Marins gave exculpatory testimony consistent with what he had said before.

Patricia Valentine, an acquaintance of Bello, had been asleep in her apartment two flights above The Lafayette Grille until roused by screams. She testified that she went to the window in time to glimpse two blacks, both dressed in dark sports jackets, get into a white car and pull away. The car had flaring taillights and dark plates. She saw no faces or guns.

Later that night, police brought Carter's car, a white Dodge with black New York plates, to the scene. Valentine testified that the car had the same taillight design and could have been the one she had seen. However, evidence showed that Carter had been wearing a white jacket and Artis a light-blue polo shirt with a 3-inch monogram (hardly an evasive garment) when intercepted minutes after Valentine's first view. Even police doubted that the two had had time to change. The prosecutor insisted that she had focused on the car, rather than clothes.

The state produced scant physical evidence. No weapons were located, but an officer testified to finding a 12-gauge shell packed with birdshot and a .32-caliber lead bullet in Carter's car while it was impounded at the station. The defense argued that the objects had been planted, since both differed from the ammunition picked up at the scene: 12-gauge cartridges filled with small game pellets, and copper-jacketed .32 bullets. Judge Samuel Larner admitted the disputed bullet into evidence but not the shell. Carter and Artis stated that they had been bar hopping that night, but hadn't stopped at The Lafayette Grille. A parade of black witnesses corroborated their steps.

Each defendant was found guilty of three counts of murder in the first degree. As the "leader," Carter received two consecutive life terms; Artis got one. Both insist that the verdicts were a foregone conclusion, dictated by the selection of an all-white jury compounded by the racial tension of the spring of 1967, eve of New Jersey's worst riots. Jurors denied that race had colored their deliberations; they asserted their belief in Bello and Bradley.

New Jersey's statute of limitations period for perjury is seven years. Seven and a half years after the first trial, Bello and Bradley, under oath, repudiated all they had said from the stand. Both swore that they had not had clear views of the suspects, but had subsequently faked the identifications in response to official pressures and promises far in excess of the protection revealed at the trial.

For one thing, there was the matter of their own activities on the night of the killing. Police, they said, would have jailed them had they not testified against Carter and Artis. Also, the crime at The Lafayette Grille had been the worst multiple murder in Paterson history, and the city had offered a $10,000 reward for information leading to conviction. Police, said Bello and Bradley, had promised to recommend them for the money (which has yet to be distributed, though Bello recently reapplied for it). Further, the prosecutor's office had offered to intervene in their other scrapes with the law. In Bradley's case, the aid was immediate. Facing eighty to ninety years for three armed holdups, he had to serve only two after the trial. "I saw a way out of my own mess," he said in 1974. "I just bought my way out. There's no doubt that Carter was framed."

Stressing that the credibility of state's witnesses often determines a verdict of guilty or innocent, the New Jersey Supreme Court in early 1976 ruled 7 to 0 that the prosecution, by withholding the full range of pressures and deals involving Bello and Bradley, had violated the defendants' right to a fair trial. A new trial was ordered.

Over a decade, the case had awakened the interest of civil rights partisans and opponents of the death penalty. The decision had demonstrated that life sentences can at least allow the mistried and wrongly convicted in capital cases to vindicate themselves. Also, Carter, the ex-fighter and prison leader of burgeoning eloquence and photogenic looks, had amassed followings on both sides of the walls. Bob Dylan, who took an interest, spread his cause in song as he had George Jackson's.

The defendants and supporters expected the new trial to be fairer. The deals would have to be brought out. The times were different; racial tensions had relaxed. "I feel good," said Rubin Carter. "People have grown; America has grown."

Carter and Artis were represented, respectively, by Myron Beldock and Lewis Steel, who had argued the successful appeal. Beldock, a graying scholarly man, and Steel, tough talking and heavyset, were middle-aged, New York whites who had won battles in their city to clear black homicide defendants long after initial convictions. The lawyers foresaw the traditional impediments to a fair trial held years after a first, flawed trial; they are mainly that witnesses change their minds, die, or skulk out of view. Taken to extremes, these problems, as well as others more bizarre, were to plague the new proceedings.

Before the trial opened, the assignments division of the Superior Court, noting that the Passaic County press had slanted against the defense over the years, decreed that the jury would be drawn from neighboring Hudson County. The prosecutor and judiciary would be from Passaic. The assignments division also informed the parties that only Judge Bruno Leopizzi, who earlier had disqualified himself over a conflict of interest, currently could be available to preside at the trial. But if Leopizzi was not acceptable, there would be a delay of months.

The state had been applying considerable pressure on witnesses, who had begun fleeing the defense as if it were

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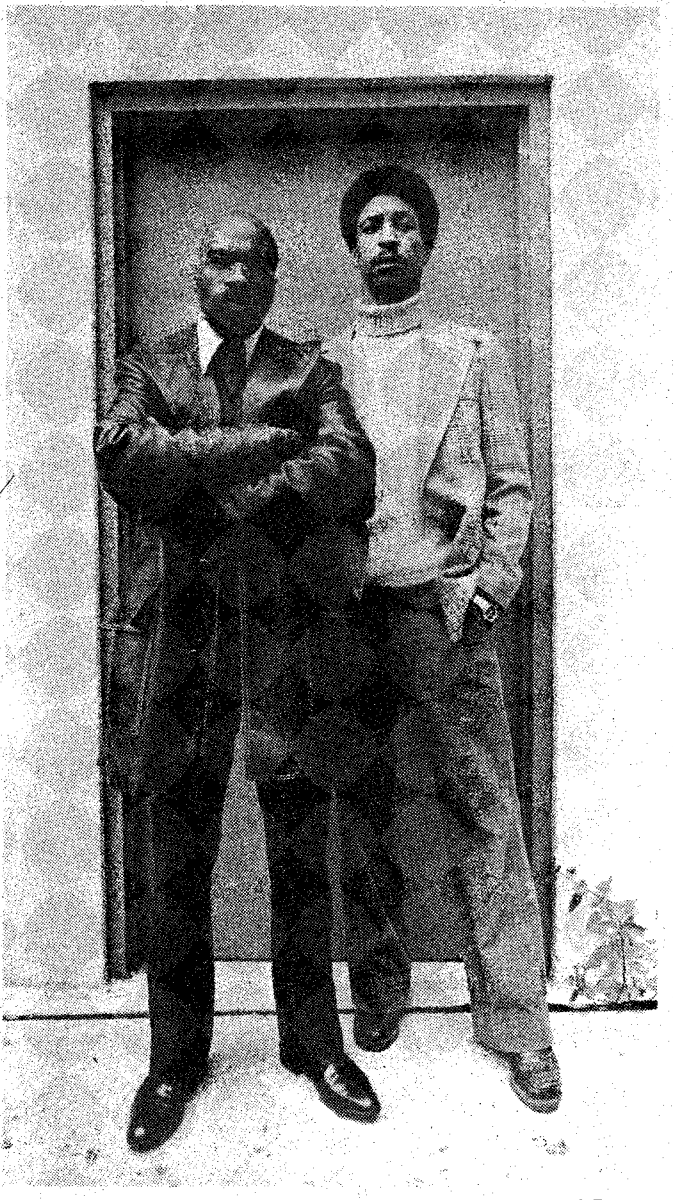
on fire. Steel and Beldock had good reason to press the case before too much damage was done. They knew also that the issue underlying Judge Leopizzi's conflict of interest had not figured in the first trial, and they thought, reasonably but incorrectly, that it would not bulk large in the second.

Voir dire (jury selection) was the first duty facing the judge, a rotund, white-haired man who until recently had been one of New Jersey's ablest criminal lawyers. At his urging, counsel agreed to conduct the process in closed sessions.

The 1967 trial had also begun in chambers, and apparently some excesses occurred. For example, Judge Larner did not find cause to exclude a juror who had called Carter's black attorney a nigger. Needless to say, all twelve jurors were white. Of picking another jury in chambers, Rubin Carter said to me: "I don't like it at all." After being extremely active in his first trial and in winning the right to a second, he was to play a limited role.



Earl Dotter

Rubin Carter and John Artis

The *voir dire* minutes have yet to be transcribed but the best evidence is that Passaic Prosecutor Burrell Ives Humphreys—a man fond of referring to Martin Luther King as his "idol"—challenged and successfully excluded every prospective black juror younger than 50. A public figure, he might have been less willing to use such tactics in public.

The jury impaneled included seven white men, three white women and a black man and woman, both elderly. There were four clerks, a telephone operator, a key punch operator, two retired men, a housewife, an unemployed man, an accountant and a utility man. Camus once said that those over 25 are responsible for their own faces. The average here was in its 50s, and the faces spoke of workaday lives, family responsibility and moderation, if not conservatism. None stood out, probably none cared to. One day early in the trial, a lawyer with experience in picking juries for political clients accompanied me to court. Scanning the jury box he noted, "It's all K-Mart. The case is over."

I'm not convinced that it was quite that open and shut. Guilt still had to be proven beyond a reasonable doubt. But the courts never have defined "reasonable doubt" with precision. Consequently, the implicitly lesser quantity of doubt that can attend a conviction is also hazy, varying from jury to jury. A jury such as the one in Paterson, which had little in common with the defendants, but could easily see the victims as peers (a scary twist on the Constitution), could tolerate relatively large doubts in a case before acquitting.

Prosecutor Humphreys, a plumpish, fair-haired man, had held office less than two years at the time of the trial, but he had practiced and been active in Northern New Jersey civic affairs for two decades. He built his case on identification and physical evidence, as had his predecessor, and then expanded it boldly into new areas. The specter of lying, event-shaping media was invoked. Racial fear, implicit in 1967, became an official element of the case. Alibi was snatched from the defense and revamped for state use.

Patricia Valentine, now a bubble-coiffed Florida beautician and mother, was flown North to recall what she had seen from her window on the murder night. A sympathetic witness and close friend of those cut down in the bar, she tearfully and for the first time maintained that the white Dodge the police had brought to the scene definitely was the car she had viewed earlier. She would never forget its unique "butterfly shaped" taillights; she drew them for the jury. Her memory of the license plate also had sharpened; it was blue or black, not simply dark. But she conveniently forgot her earlier statements about the dark coats worn by the men, insisting that she hadn't noticed their dress.

The defense confronted her with old statements, but she stuck to the new. To dispose of the notion that triangular taillights were unique to Carter's auto, the lawyers introduced pictures of various mid-1960s, Dodge, Chevrolet and Pontiac models, all of which bore the style.

They questioned police who reported that at 2:30 A.M.,

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a radio bulletin had gone out for white late models containing pairs of blacks. Apparently, such cars weren't rare, for the records showed that within five minutes, two, in addition to Carter's Dodge, were stopped. Both were released. One was remembered as a Chevy.

Nor was Valentine the only one on the block to see the alleged getaway vehicle. Ronald Ruggierio, a city employee, told the jury that he knew cars, and that the one he saw speeding away was a Chevy. The defense had raised at least the possibility that the police had let the real murderers slip through their hands.

Unlike Bradley, his fellow burglar Bello retracted his 1974 recantation and once again became a witness for the state. As at the first trial, he placed the defendants outside The Lafayette Grille carrying guns, and said that they had noticed him and given chase, but that he had escaped. As in 1967, the defense established that Bello, an alcoholic, had begun drinking on the afternoon before the crime, and had worn high-heeled boots that night. How could he have outrun well-conditioned athletes like Carter and Artis? The latter had recently won a track scholarship. Bello couldn't explain, but insisted on his sobriety at the time of the alleged encounter.

To refute Bello, the defense again introduced police records of the hospital viewings by Marins and Tanis. Since Marins had died in 1972, his testimony from the first trial that pointed to innocence was read into the record. Trial reading is apt to be neutral and flat; in the case of Marins, who had been reluctant and barely articulate, it became a confusing three-hour bore. At times, judge and jurors appeared to doze. With Bello, the state had no such problems. A fattish ringer for Lou Costello (another Paterson product), Bello spoke the patter of a radio crime drama, dressed in sausage-tight suits and red cowboy boots, and generally was a magnet for the senses.

Humphreys, of course, had major problems of credibility to overcome with this witness, a man of many deals and recantation. Part of the body of evidence that had induced the Supreme Court to grant a new trial was a cassette made three months after the murders and kept secret for eight years. At the new trial, the defense played the remarkable but scratchy tape. The voices on it included Bello's and those of Lieutenant, now Chief, Vincent DeSimone, who headed the investigation, and three other officers. "Let me take the cuffs off," says one of the police. Then again and again they show Artis's 5-by-8 high school graduation photo to Bello, who says: "It's possible; I just don't know."

Next, they produce a picture of Carter. Again Bello isn't definite. DeSimone mentions that the warehouse break-in can be forgotten: "There's no evidence that we have any of burglary. You understand what I mean?"

They also know that, after the killings, Bello entered The Lafayette Grille, climbed over the bodies and rifled the register. No problem. They're aware that he violated the terms of his probation by being out on the night of the crime. So what. If he doesn't like his black probation officer, they'll get him a white one. And as much protection as he needs.

Even the future seems covered. DeSimone makes "a promise to go to the highest authorities in the state. This is just the first step. You know what I mean?"

But Bello still can't get it right. "I think it was a white Chevy or Pontiac."

DeSimone differs: "A white Dodge, right?"

Bello: "I don't know if it was a Dodge."

"Oh, well," sighs DeSimone, "a white car. All right. I'm not tryin' to put words in your mouth."

But DeSimone telegraphs what he wants. He mentions the crowd that gathered outside the bar after the murder. "I mean everybody there knew it was Rubin Carter." Bello needn't worry about singing solo. Not surprisingly, he can't remember the suspects' clothes. An officer dresses Carter in a white jacket.

Three days later, Bello gave all the right answers to a grand jury which indicted the two defendants.

At the recent trial, Bello didn't deny that after the murder night his offenses had gone unprosecuted, but insisted that his identification of Carter and Artis was neither forced nor suggested by police. The defense pointed to his record: regular convictions and jailings for assault and theft before 1967, then nothing until 1974, when he received nine months for burglary. Bello admitted to getting into his usual trouble during the seven-year hiatus, but said that Chief DeSimone had been able to blow out charges against him. How many times had he gone to the Chief for help? Bellow could no longer remember.

DeSimone, the most influential and powerful police officer in Passaic County, is a gravel-voiced man in his mid-50s who must have been very tough ten years ago. He is still massive, but the heavy face has gone to fat, his hearing is bad and his eyes are blurs behind coke-bottle lenses.

On the stand, Chief DeSimone argued that the type of consideration that Bello received was a small price to pay for cracking a major homicide. Like the witness, his protector no longer could estimate the number of times that Bello had sought aid over the years. But the problems weren't serious: mainly "drunk and disorderlies" and robbery. The Chief remembered having to go to court only three times. Usually, things could be settled informally. For example, on cross-examination, the defense elicited that Bello once had assaulted a policeman, but that the Chief had prevailed upon the officer to forget the charges.

Over defense objection, DeSimone spent an inordinate amount of time outlining his thirty-year career from beat walker to the top, pausing to cite promotions, honors, civil service results and important dates, not the least of which was September 26, 1974. On that night, the recantation story which cast him as the cop who loaded the dice hit New York television. Now he meant to have his reputation back, as did numerous officers who during the past three years had been tarred by the press for their handling of the murder investigation. It's as likely an explanation as any for Humphreys's decision to reprosecute Carter and Artis, which came at a time when the case looked expensive rather than strong (Bradley and Bello had both defected), and the

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state Attorney General's office had given him authority and reasons to drop it. If he had done so it would have been widely construed in the press as a victory for the defendants and an admission of wrongdoing by law-enforcement officers whose names would have been unsalvageable. It would have made living with the police, particularly the Chief, difficult, especially for a new prosecutor whose job depended on police cooperation. So, they went after Carter and Artis again.

Ironically, law-enforcement reaction to the press may have defined the case from the first. In fact, Carter insists that he was framed because of it. In 1964, Carter ranked high among middle-weight boxers. That year, during a visit to his New Jersey training camp by a *Saturday Evening Post* reporter, serious rioting and police violence erupted in Harlem. The writer quoted the boxer as saying to a friend: "Let's go up there and get us some of those cops. I know I can get four or five. How many can you get?" The article noted that the remark had been made "in jest." Carter had had no trouble with the cops for years before that but from the moment the issue hit the stands he endured constant stops, police extortion and mysterious assault charges that didn't stick. Finally, he says, they retaliated with something big—The Lafayette Grille.

At the recent trial, the press was made to pay for its purported sins, present and past. Bello swore that his 1974 recantation had been false and triggered by a bribe from Fred Hogan, a public defender's investigator and friend of Carter who served as the prisoner's agent to the Viking Press during publication of *The Sixteenth Round,* his autobiography; and from two reporters, Selwyn Raab and Hal Levinson. According to Bello, they offered him "a piece of Carter's book," allegedly $27,000, in return for a retraction of his 1967 eyewitness identification of the defendants.

After turning over their notes to the state (a first for the reporters) in response to a court order, the three denied foul play and told of locating Bello, ill and despondent, in a cell three years earlier. Bitterly, he had spoken of betrayal by DeSimone who at last had allowed him to be jailed. Since his 1967 lies no longer were keeping him on the street, he saw no reason to persist in them. Also, they said, he viewed recanting as an opportunity to get back at the Chief.

Humphreys painted the journalists as lying opportunists. Raab and Levinson, he showed, had developed the recantation story while working at WNET, Public Television, in New York, but had not broken it until respectively situated at *The New York Times* and WNEW-TV, a commercial station. The prosecutor argued that they had manufactured the news, then sold it and themselves to more prestigious and remunerative media. They responded that WNET had canceled its news show, so their story no longer had an outlet there.

Also, Raab has written *Justice in the Back Room,* an investigative account of George Whitmore's rigged confessions in the Wylie-Hoffert murders. The book became the basis for the *Kojak* series, which pays royalties to Raab. Humphreys insisted that the reporter meant "to get a new 'Kojak' " out of the Carter-Artis case. Beldock, he noted, had been Whitmore's lawyer, and Raab had recommended him among others to Rubin Carter. The prosecutor offered this as added evidence that "the media" was not objective and would go to any lengths to free the man. As defense lawyers objected their heads off, Humphreys was permitted to list all the actors, writers, film makers, publishers, studio executives and advertisers who at one time or another had served on the Carter-Artis Defense Committee, or shown an interest in the men. The case had been allowed to stray from the narrow issue of guilt or innocence.

It might be noted that police aren't the only people in Northern New Jersey who resent the New York news, especially the televised variety. The region has no station of its own, and a long-standing grievance is that New York channels ignore it or play up image-damaging stories like the Mafia, corruption and the Carter case (presented as a frame-up). Humphreys understood the sentiment and milked it.

The defense might have attacked the media-bribe issue by calling Arthur Dexter Bradley to the stand. Unlike Bello, he says that no one bid or paid for his recantation. He, however, wanted no entanglement in the new proceedings. Recently charged with rape, he feared that testifying for Carter and Artis would hurt him at his own trial. Although he had helped to put the defendants in jail for a decade, they respected his wishes.

Bradley, like Bello, would not have struck jurors as a church elder. But, in a way, Bello had been strangely effective, and sometimes in a criminal courtroom the only way to fight scum is with scum. By not calling Bradley, the defense waived that chance. Steel and Beldock were tigers on cross-examination, but a curious primness pervaded their own case. The state, however, knew no bounds.

Traditionally, motive is used in a trial to focus the guilt on an individual who has particular reason(s) to commit a specific act. Out of the jury's presence, Humphreys argued that he should be allowed to introduce an unprecedented motive, "racial revenge," a notion so broad that it arguably could be applied any time when the victim and suspect are of different races, and so inflammatory that it makes even the ugliest crime seem more frightening.

For these reasons, courts, including the defendants' first trial court, have always rejected it. As Judge Larner held in 1967:

> It goes without saying that the race of the defendants is of no significance except as it may be pertinent to the problem of identification.

After Leopizzi agreed that Humphreys could introduce the motive, Steel accused the judge of "turning the trial into a racial nightmare." Leopizzi slapped him with contempt for his "idiotic remarks." Their obvious mutual dislike and unveiled taunts colored the remainder of the proceedings.

Humphreys argued to the jury that the black defendants had massacred whites to avenge the murder, six hours earlier, of a black bartender by his white business partner in their place, Waltz Inn, which catered mainly to blacks. The prosecutor pointed out "parallels." Both

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killings involved shotguns, targeted bartenders, and occurred in one-race establishments. Over defense objection, white police offered hearsay that James Oliver, proprietor of The Lafayette Grille, had refused to serve blacks.

Police also reported that the black crowd at Waltz Inn had been difficult to manage in the wake of their bartender's murder. They admitted that Carter and Artis hadn't been among the crowd. How, then, did they come to be tagged with race motive? By association, I think. More hearsay was admitted to the effect that the deceased bartender's stepson, Ed Rawls, while extremely upset, had threatened police that he would take the law into his own hands. Subsequently, Carter was spotted in a crowd with Rawls at another bar at 1 A.M. About an hour later, Carter's car was seen traveling in the vicinity of Rawls's house.

The defense pointed out that the Dodge was actually just about as close to Carter's home. From the stand Carter could have testified that he and others in Paterson's black night life had offered condolences and drinks to Rawls following his stepfather's death. However, he passed up the chance because the state had indicated that it would cross-examine him on his book, airing its angrier racial passages. Race, he felt, already had contorted the trial and he chose to "avoid more confusion."

The defense lawyers might have called Rawls to testify. They refrained upon learning that he would take the Fifth Amendment, but it's difficult to see how that would have hurt their case. Actually, it might have shifted the spotlight away from the defendants.

In 1966, Rawls had been the prime suspect in The Lafayette Grille murders and the only one who had failed a polygraph, and couldn't produce an alibi for the hours following the crime. In New Jersey, grand jury transcripts remain sealed, even after a decade, but it has come to my attention that he escaped indictment for two reasons.

First, DeSimone protected him. The Chief told the grand jury that Rawls had been exhausted at the time of the lie detector test and would be retested; he never was, and then, of course, Carter and Artis were indicted and tried. This, I think, adds credence to Carter's position that the police were laying for him, and would even forgo a better suspect to pin him with something serious. Since the policy had always operated on a two-killer theory, and since Carter had been picked up with Artis, they couldn't indict both Carter and Rawls. So Rawls was freed.

Second, unlike Carter and Artis who waived counsel and talked freely at the grand jury level, Rawls was represented by Bruno Leopizzi, then in private practice, who advised him to take the Fifth. Disturbing evidence now exists that Essex as well as Passaic County have recently weighed trying Rawls for the murders, and probably would have done so if Carter and Artis had not been found guilty a second time. The fact that Rawls's one-time lawyer presided over the second trial forever taints their reconvictions.

A final irony of racial revenge is that the 1967 jury might not have bought it. Paterson's recorded black anger during the period took the form of hot-headed window breaking and occasional burning, but nothing like a premeditated hit had been construed as purely racial. However, the second jurors didn't even come from Paterson, and all of them probably had powerful but muzzy memories of the 1960s' bloodier excesses which squared with the prosecutor's angle.

Judge Leopizzi made two other important decisions. First, he admitted the shell as well as the bullet into evidence. The ammunition now tied in nicely with the state's eye-for-an-eye, shotgun-for-a-shotgun revenge equation. That ruling came in the face of new evidence of planting. Detective Emile DeRobbio testified to finding the "Western" brand shell under a heap of boxing gear in Carter's trunk. On cross-examination, he revealed that immediately after the earlier murder of the black bartender, he had collected about thirty shells from that killer's car and had boxed and logged them all as Sears' Spot Load brand.

The boxes were opened at the trial. The majority of the shells were Sears but there was also a scattering of other kinds, including Western. DeRobbio said that he hadn't realized the error until a week before. The defense argued that the shell in evidence actually had been taken from another crime, and that the mislabeling constituted a cover-up.

The prosecutor also pressed the judge for permission to demonstrate a broken alibi, evidence in New Jersey of a defendant's "consciousness of guilt." Previously, the state Supreme Court had ruled that alibi wasn't properly at issue

> in the case, for at all times the defendants were concededly within minutes of the murder scene, and the moment of the killings could not be established precisely.

The defense argued that if an alibi couldn't be constructed, then it couldn't be dismantled. But the judge allowed Humphreys to go ahead with his witnesses, all black.

A woman whom Carter had dated, her mother, a former male friend of Carter, and a sparring partner, had recently switched to the state's side. On the stand each swore that, ten years before, Carter, or his lawyer, had instructed them to lie that they had been with him at innocuous locations between 1 and 2:30 on the morning of the killings. With the exception of the boxer, who had skipped town before the first trial, they had testified in 1967 for the defense. Now, one by one, they admitted perjury. The "nonissue" alibi had been converted into a black-against-black spectacle.

The defense attempted to minimize the effect by showing that the witnesses had mixed motives. The younger black woman, Cathy McGuire, had become engaged to a Paterson police detective. The black man, Welton Deary, had actually joined the force. The sparring partner, William "Wild Bill" Hardney, had been scared out of his wits and his bed by police, thirteen of whom had roused him on a recent morning at 1:30, held him as a material witness and dangled an old nonsupport charge before him until they had his cooperation. The defense also put on their own witnesses, friends of the defendants

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and bartenders who had seen the men during the night and early morning of the killings.

One of these, Meritt Wimberly, a merchant seaman, had been in a group with Carter around 9:30 A.M., when the discussion turned to guns that had been stolen months before from the boxer's training camp. Evidently, someone thought that a woman named Annabel Chandler, now deceased, had information about the theft, so the group drove to her apartment. While Carter talked with her, Wimberly and the others waited outside.

The testimony that Carter had made inquiries about guns on the critical night was obviously damaging. Beldock explained to me that the defense had introduced it because it knew that otherwise the state would bring out the matter through a potentially more harmful witness, Carolyn Kelley, the former supporter who alleges that Carter attacked her last spring in Maryland. (Maryland authorities have dropped all charges for lack of evidence.)

Also, the defense felt that they could allay suspicion through their witnesses. Wimberly testified that Carter had left Annabel Chandler's apartment without any weapons. George Andrews, a dignified older man and resident of the building, chanced to meet the men on the way out and noticed neither guns nor bulges.

From the stand, Carter could have pointed out that he also tried to find the missing weapons before and after the night of the killing. In addition, there is evidence in police records that the guns had been sold earlier and therefore were out of reach. The defense might have subpoenaed some of the figures involved in the transactions, but Beldock indicated that they were too unsavory to bring into court. Probably it was a mistake. No one expects traffickers in hot weapons to be presentable.

John Artis, the forgotten man, took the stand in his own behalf. Lanky and still youthful at 30, he described an Eagle Scout background with no previous arrests, and noted the coincidence that led to his long involvement with the law. At about 11:30 P.M. on June 16, 1966, he had begun hitchhiking back to Paterson from a friend's house in Passaic. The third ride was with Rubin Carter whom he had met once or twice before. A Carter friend, Bucks Royster, now deceased, was in the car. Artis accompanied them to the Nite Spot, La Petite, and back to the Nite Spot. He never heard of The Lafayette Grille until after his arrest.

After the Nite Spot closed (around 2:30), Artis was at the wheel of Carter's car. Royster had to be taken home. Carter wanted to stop at his own house for money. An officer pulled them over. Evidently noting three in the car (the all-points bulletin had reported two assailants), he let them go. About fifteen minutes later, after Royster had been dropped off, the Dodge was reintercepted, brought to the scene and a decade began.

The evidence pointed away from both defendants. Against Artis it always had been ludicrously slight: a ride with Rubin Carter, the word of Alfred Bello. Now he stood with Carter before the jury. The two victims, and Bello at first, had described killers of about equal height. Artis towered over his co-defendant.

Beldock and Steel filled four hours with overlapping, lulling summations that pointed to holes in the case. Humphreys took half as long, and gave the jurors new grist. For one thing, he noted that if the police had wanted to frame the defendants, they might have done a better job by giving Bello the license number of Carter's car. He added that if Carter had worn a hat he would have appeared as tall as Artis.

It might be suggested that a frame is only as sharp as the framers, and that no one very sharp would have needed a Bello in the first place. Nor was the hat trick fair. The prosecutor had presented conflicting evidence as to which if either gunman had worn a hat. Moreover, at short distances a hat is no equalizer of stature, because eye level is readily apparent. The shorter man can be wearing a mitre; it doesn't matter. Try it.

Finally, Humphreys branded the New York media figures involved in the case "perverters of justice." He seemed to shrug at reasonable doubt, telling the jurors that they shouldn't expect as tight a case as might be seen on TV, "on Mr. Raab's *Kojak,* for example."

Before lunch on December 21, 1976, the jurors went to work. Cases usually erode over a decade, but the one they received from the state had swelled enormously from the bare-bones identification and one-bullet model that their predecessors had offered. Now it also contained a shell, the media, gun worries, a broken alibi and the race motive, all of doubtful propriety and relevance.

No one knows how the jury arrived at its decision. Judge Leopizzi told them not to discuss their work during the trial "or thereafter," an unconstitutional order which he admittedly can't enforce. To date, all that has leaked out is that some members didn't like the defense lawyers. But evidently it was a rout. They had heard a month and a half of evidence from seventy witnesses, but were ready with their guilty verdicts after dinner. Even Humphreys had expected them to take until at least the next day. Elation beaming through his thick lenses, Chief DeSimone roared: "After twenty-seven months, this jury has vindicated me." Twenty-seven months earlier, the recantation story had been televised.

On February 9, 1977, Judge Leopizzi chose, for once, to duplicate rather than expand an earlier ruling by Judge Larner. He resentenced the defendants to single and double life terms, making Artis eligible for parole in 1981 and Carter in 1997.

Both defendants have appealed. It is difficult to say whether the verdicts will stick. Some of the judge's decisions were debatable, but an appellate court could find that they were within his discretion. But other problems bear noting. Annie Ruth Haggins and Roosevelt Davis, two Paterson blacks, were held briefly as suspects in 1966. New Jersey Assemblyman Eldridge Hawkins, who conducted an investigation of the case for Governor Byrne in 1975, believed Haggins's story that moments after the crime and in the vicinity, Davis gave her a revolver to discard, which she later threw in the Passaic River.

Beldock says that he considered subpoenaing the pair, now living in South Carolina, but that the judge in-

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structed him to stay clear of the issue. If this is true, then Leopizzi, in effect, prevented the jury from considering additional suspects. W.A. (Tony) Boyle's trial judge did something similar, and recently Boyle won a new trial.

Always there is Bello. At the trial he confessed to four false sworn statements on the crime made since 1974, but asserted that no deals had been struck for his current testimony, not even immunity from prosecution of the fresh perjuries. It should be pointed out that last spring Bello ceased cooperating, then disappeared. Frantic, the prosecutor issued arrest warrants. Finally, in August, Bello was caught. Suddenly all was rosy again. The state didn't even hold him as a material witness pending trial, a step taken with another shaky type. Instead, with apparent blessings, Bello left the jurisdiction for his new home, the location of which is a big secret.

Apparently, it's in the Southwest. County financial records show that he was jetted from Albuquerque to testify, then returned. Perhaps Bello thinks that out there a fat man in cowboy boots doesn't draw stares. Some sort of agreement must have been made, otherwise the state wouldn't have allowed its undependable eyewitness to remove himself by 2,000 miles. Nor would Bello have returned to testify without at least the assurance that he would be free to leave afterward. If a deal exists, its suppression amounts to the same prosecutorial error that tainted the first trial.

Obviously, it has to be proven. If more information seeps out, one source may be the witness himself. Bello can be expected to have additional scrapes with the law. From 2,000 miles the powers in Passaic County won't be able to keep him out of jail, and jail drives him nuts. The last time he was in a cell he spilled his guts and he might do so again.

In any event, the Carter and Artis case, now entering its second decade, is still alive. I expect that it will be as long as they are. □

REALPOLITIK IN GEORGIA

THE FIGHT FOR YOUNG'S SEAT

PETER KOVLER

There is still quite a bit of the Old South in the New South—you see it clearly enough when you look at the region's racial representation in Congress. There are very nearly 8 million blacks in the Deep South and now that Andrew Young has gone to the United Nations, the area does not have a single black Congressman. While blacks have advanced considerably at the municipal, county and state government levels, Capitol Hill continues to be the whites' domain. At the moment, there is only one prospect for breaking this racial—and, in fact, ideological—shutout: in the April 5th election to replace Young as the Representative from Georgia's 5th District, the voters can choose John Lewis.

Lewis has been a leader in the Southern civil rights movement since the early 1960s, when he formed the Student Non-Violent Coordinating Committee. In the last seven years, he has been the director of the Voter Education Project, an organization which has registered in the South 4 million blacks and hundreds of thousands of poor whites. Lewis is also a close friend of Young, who urged him to seek the seat. However, at this writing, with only three weeks to go before balloting, Lewis's chances seem slim. His opponent, white City Council Chairman Wyche Fowler, seems to have the edge.

For the blacks and poor whites of the Deep South, the meaning of a Lewis defeat would be simple: it would denote a return to an era that seemed to be over. The Southern delegation in Washington would be as white as it was for the near-century between Reconstruction and Young's election in 1972, and these people, once again, would have no voice in their national legislature.

The Lewis-Fowler race is the result of a free-for-all special primary election that was held on March 15. There were twelve candidates on that ballot, seven of them black, and no one wanted to bet how the electorate would react. Jim Merriner, political editor of the *Atlanta Constitution*, published a long analysis of the chances of the twelve candidates, which he concluded with the warning: "Don't take this too seriously."

While Lewis and Fowler were considered the front runners, they had formidable opponents. Among these were the Rev. Ralph Abernathy and Republican state Sen. Paul Coverdell, who is white. Indeed, the presence of Abernathy had prompted a great deal of concern among the district's black and liberal voters, who feared that Abernathy could be such a strong candidate that the district's black voters (Georgia's 5th is 40 percent black and 60 percent white) would split, thereby permitting two whites to be in the April 5th runoff.

However, the results showed that Abernathy, the former top aide to Dr. King, had little electoral force. Fowler won 39.4 percent of the vote, Lewis 28.8 percent, Coverdell 21.6 percent, Abernathy 4.6 percent, and the other eight candidates divided 6 percent among them.

For Abernathy the race had been one of repeated disappointments. He had expected (as had Lewis) that Young—the most influential politician in the area—would make no endorsement. So he tried to take advantage of their long-time relationship.

One of his campaign brochures, for example, carried a picture of Young with Abernathy's 5-year-old son. The accompanying text said: "To Kwame, You've got a great name, you come from a great family of black leaders. Keep on Pushing, Uncle Andy." Also in that leaflet was a picture of Young and Abernathy, heads together. The

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caption: "In strategy conference with closest confidant." Therefore, when in late February Young suddenly announced his support of Lewis, the effect was to discredit the former head of the Student Non-Violent Coordinating Committee.

In addition, many of the people with long experience in the Southern civil rights movement went for Lewis, among them the King family and Julian Bond. In the last three weeks of the campaign, Abernathy was under heavy pressure to quit the race. However, he still felt he could win, asserting that the black rank and file wanted him, even if "Atlanta's black establishment" did not.

Indeed, one could see that the people did like Abernathy, and that, if Lewis had not been a candidate, he would have been a strong contender. For instance, he spent a Saturday afternoon in late February walking up and down Martin Luther King Drive, a central shopping area for Atlanta's blacks. "Hi, I'm Ralph Abernathy and I'm running for Congress," he told some customers in a barber shop. One of them, who said he had just been released from prison, angrily retorted: "How do we know you won't be just like the rest and move up there and forget us?" Abernathy replied that he was a "man of the people"; that he had been arrested forty-eight times for trying to integrate the country; that he "wasn't going to change now," because he had spent every day of his life since he had been with Dr. King in Montgomery, "trying to improve the black man's lot."

The ex-convict was placated. Even more important, the shop's other customers liked the answer. As if they were listening to a sermon, they said, "That's right Rev. Tell it! Tell it. . . ." One could feel how popular he was.

It seems clear, however, that black Atlantans voted—as one commentator put it—"with their heads." Whatever Abernathy's popularity, he was not perceived as a candidate who could win. According to the *Constitution*'s Merriner: "the black voters of Atlanta have a sophistication that they're generally not given credit for. They generally don't split in elections where there is more than one strong black contender. It happened in 1973," he continued, "when Maynard Jackson was elected Mayor, it happened when Andy Young won in 1972 and it happened in this special election. They seem to coalesce when they have to."

Of course, the beneficiary of this cohesion was Lewis, and to most objective political observers that was the best possible result, Lewis being thought the black candidate with the best chance of forming an "Andrew Young coalition." That is, he was seen as a man who could win all the black votes, as well as the necessary 15 to 20 percent of the white vote. As head of the Voter Education Project, Lewis's backers reasoned, he had made extremely valuable friendships in the white part of the district; whereas other blacks had had little rapport with whites.

Julian Bond, for instance, explained his support of Lewis in terms of *Realpolitik*:

> John is the only good guy who could win. None of the other blacks can and none of the whites should. The district needs a black who can attract whites like Andy did. You see, Atlanta is a city where you have an enormous amount of black political talent and the problem is not in finding a good black candidate. Rather, the problem in a race like this is to find one that whites can like.

The March 15th primary showed that Lewis is indeed popular among whites; he won 7 percent of their vote. But the question at this point is whether he is popular enough. Lewis thinks he is. And, according to his press secretary, Nick Taylor, it is expected that a powerful figure in the white community, Marge Thurman, will back him. Thurman, who ran fifth in the March election, is the former state chairwoman. She is considered to have some strong ties to organized labor and her backing may mean the difference in a close race. In addition, it seems apparent that Lewis will retain his broad support in the black community. Abernathy has said he will back him.

Meanwhile, the front runner is Fowler. Theoretically, he should pick up the 17 percent who voted for the conservative Coverdell. This, plus the 40 percent he has already won, would put him well ahead. One of the keys to the election, therefore, is the cohesiveness of the Coverdell 17 percent. If, Lewis backers say, they can win some of those votes, they can win the election. However, most feel that that 17 percent is unequivocally anti-black. They are the people who helped to make up the approximately 30 percent who voted against Young in 1974 and last November. So, as of now, it looks as though it would be difficult to whittle down the 57 percent that make up the "Wyche Fowler coalition."

Fowler is often described as a liberal-moderate Democrat. Within the past two years, though, he has upset many blacks by strongly criticizing black Mayor Maynard Jackson. As head of the City Council, his critics charge, he has tried to get white conservative support by becoming a symbol of the "white view" in Atlanta.

Fowler denies it. He says: "I've never won a race with less than 20 percent of the votes of black citizens; and I don't see why this time I should be rejected by that part of the constituency. People know me. I've run for office in this city eight or nine times.

"In fact," he continues, "I am the only candidate with a true biracial coalition and the only one who could give a balanced representation from this diversified district."

In the March election Fowler received 7 percent of the black vote, and is not expected to pick up any more from that sector. So, in the weeks remaining, Lewis will try to convert some of Fowler's white constituency, and Fowler will try to preserve his edge.

Even if Lewis cannot manage to overcome his opponent's lead, it seems he will continue to be an important political figure in the 5th District. No one believes he would despair or become bitter; it's not his character. In all likelihood, he would be running for the seat in 1978. And there is at least one political "precedent" that augurs well: Andrew Young ran for Congress twice before he won. □

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THE INTEREST VESTED IN CHAOS

ROCHELLE JONES and PETER WOLL

"I think that it is generally agreed that there should be a systematic reorganization and reassembling of its [the government's] parts so as to secure greater efficiency and effect considerable savings in expense."

—President Woodrow Wilson, 1914

"For many years we have all known that the executive and administrative departments of the Government in Washington are a higgledy-piggledy patchwork of duplicative responsibilities and overlapping powers."

—President Franklin Roosevelt, 1937

"The time has come to match our structure to our purposes—to look with fresh eye, and to organize the Government by conscious, comprehensive design to meet the new needs of a new era."

—President Richard Nixon, 1971

"It's time for us to take a new look at our government, to eliminate waste, to release our civil servants from bureaucratic chaos, to provide tough management. . . ."

—Presidential nominee Carter, 1976

A lot of people who thought last November that a vote for Carter was a vote to clean up the mess in Washington are in for a disappointment.

As Presidential nominee, Carter campaigned on a platform of government reorganization, attacking the bloat and waste in the federal bureaucracy and pledging to reduce the number of executive branch agencies from 1,900 to 200. An electorate, disenchanted with grandiose federal programs and the large-scale bureaucracies that administer them, saw in him a political outsider whose very lack of ties to Washington would enable him to take on the federal bureaucrats and win.

But it is one thing for a Presidential nominee to promise reorganization and quite another for a President to carry it out. Such attempts are bound to unite the Washington political establishment against the President, even while it superficially supports his goals.

The opposition is not based on disagreement with President Carter's premises; the waste and inefficiency created by a hodgepodge of government agencies are too well documented. The federal bureaucracy consists of eleven Cabinet departments, forty-four independent agencies and some 1,240 advisory boards, committees, commissions and councils, with more added annually. In fact, President Carter has already established four new advisory bodies—the Commission on Mental Health, the U.S. Circuit Judiciary Nomination Commission, the Committee on Selection of the Director of the Federal Bureau of Investigation and the Advisory Board on Ambassadorial Appointments.

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There are some 228 separate health programs, 156 separate income security and social service programs and eighty-three separate housing programs. Functionally similar programs are scattered throughout the various Cabinet departments. Education, for instance, is nominally the responsibility of the Department of Health, Education and Welfare, but the Department of Agriculture operates its own graduate school and the Department of Defense oversees a far-flung school system for the children of military personnel abroad. The regulations issued by federal agencies and programs fill 60,000 pages of fine print a year in the *Federal Register* and the paperwork they stipulate is so extensive that the state of Maryland not long ago declined a $60,000 HEW grant because it would cost at least that much to apply.

Thus, everyone agrees in the abstract that government reorganization would be desirable, but while the electorate perceives it as relief from an overburdening government, politicians, political appointees and top career civil servants see it as a threat to power and status. They are for reorganization—but of somebody else's program or agency.

Every American President in this century has taken office pledging wholesale reorganization of the federal bureaucracy, and each of them has had to settle for piecemeal reform at best. Meanwhile, the bureaucracy has continued to grow.

Theodore Roosevelt established the pattern in 1905 when he appointed the Keep Commission, the first Presidential commission on government organization, to study the efficiency of the Cabinet departments. Its recommendations, like those of its successors, were defeated by Congress and a recalcitrant Cabinet. (It was William McAdoo who, as Secretary of the Treasury in the Wilson administration, reportedly "kicked like a steer" at even the suggestion that health services and the building of post offices be taken away from his department.)

During the 1930s public concern over the how and why of government organization reached its peak. Congress succumbed to this pressure long enough to pass the Economy Act of 1932, which permitted the President to reorganize the executive branch unless his proposals were vetoed by either branch of Congress within sixty days. It was the first in a series of such acts, enacted over the next twenty years, culminating in the Reorganization Act of 1949. Hoover submitted a sweeping reorganization plan to Congress in late 1932, but his recommendations were rejected by a heavily Democratic House of Representatives.

The Presidential election that year had been dominated by two issues: government organization and the economy. Franklin Roosevelt joined the issues by calling for a reorganization of the government so that federal expenditures could be reduced and the budget balanced. He

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promised to secure in advance the cooperation of potential Cabinet appointees and at his first press conference as President named reorganization as one of his top priorities.

However, he waited until the end of his first term to appoint his Committee on Administrative Management popularly called the Brownlow Committee. Roosevelt by then saw reorganization through the eyes of the President, who is always responsible for, but never fully in control of, the bureaucracy. At one point, for example, he learned from a newspaper story that the Navy planned to undertake a $2 billion shipbuilding program. Roosevelt, recalling the incident, said, "Here I am, the Commander in Chief of the Navy having to read about that for the first time in the press. Do you know what I said to that? . . . I said: 'Jesus Chr-rist!' "

The Brownlow Committee made recommendations designed to insure Presidential control of the bureaucracy. Roosevelt then waited until after his landslide re-election and the election of an overwhelmingly Democratic Congress in 1937 to ask for authority to implement the recommendations. Even so, his request met tough opposition. Secretary of Interior Harold Ickes wrote, "I do not believe that I have seen so much hysteria over any proposed piece of legislation since the World War and the attempt of President Wilson to force the ratification of the League of Nations." Congress finally approved a narrowly circumscribed version of Roosevelt's original request. Roosevelt's only real achievement under the act was the creation of the Executive Office of the President, including the Bureau of the Budget.

Richard Nixon, the most anti-bureaucratic of Presidents, tried the most sweeping reforms. He proposed merging a number of existing Cabinet departments into four super departments—Community Development, Natural Resources, Human Resources and Economic Affairs. The proposal was thoroughly logical but totally impractical, given the political reality. After some cursory Congressional hearings, the proposals were forgotten—even by Nixon.

He was more successful in reorganizing the Executive Office of the President. After a tough struggle with Congress, he abolished the Bureau of the Budget, which had operated by statute, and created in its place the Office of Management and Budget, which operated under Presidential directive. He created the Domestic Council and other staff agencies, hoping that a new Presidential bureaucracy would counterbalance and control the existing bureaucracy. But he lost touch with his own organization as it expanded, and in the end both bureaucracies were beyond his control. In fact, the Washington bureaucracy grew the most under Nixon, the President who most desired to control it. Between 1969 and 1972 there was a net increase of eighty agencies, many of them in the Presidential bureaucracy.

That being the capsule history of bureaucratic reform, one may expect Mr. Carter to find that Congress will fight to preserve the status quo and the bureaucrats—career civil servants and Cabinet officers—will oppose any diminution of their authority. Congress and the federal bureaucracy have established a highly effective relationship in this area. Bureaucrats intent on resisting attempts to dismantle agencies and programs under their control find allies on Capitol Hill among the chairmen of Congressional committees and subcommittees that control their authorizations and appropriations. The civil servants obviously need the Congressmen to keep their agencies and programs alive and funded. The Congressmen, less obviously, need the civil servants whose expert knowledge of their areas helps to build the Congressmen's legislative reputations. Each needs the other to survive in Washington. The result is exemplified in the career of Rep. Jamie Whitten (D., Miss.), chairman of the House Appropriations Subcommittee on Agriculture. Whitten has been called the Permanent Secretary of Agriculture, a nickname earned by his long-time advocacy of funds for farm programs sponsored by the department. In turn, the civil servants who run Agriculture, administration after administration, provide Whitten with inside information that helps him to maintain his reputation among fellow Congressmen as an expert on agriculture policy.

Virtually every Cabinet department and administrative agency of any consequence is backed by powerful members of Congress. For example, Sen. Warren Magnuson (D., Wash.), chairman of the Commerce Committee, permitted the transfer of the Federal Aviation Administration into the Department of Transportation only on condition that the FAA retain its separate identity. Even the smaller, more obscure agencies have loyal supporters. The American Battle Monuments Commission was criticized on national television earlier this year by a Congressman who felt that its mere existence demonstrated the need for government reorganization. But when representatives of the commission appeared before a House Appropriations Subcommittee a few days later to make their annual request for funds, the chairman, Rep. Edward Boland (D., Mass.), had nothing but praise for the efficiency and quality of the commission's work.

Congressmen have strong incentives to preserve, even tacitly to encourage, the present hodgepodge of overlapping jurisdictions among agencies and departments. The wider the responsibility is diffused throughout the executive branch, the greater the number of Congressional committees and subcommittees that can legitimately claim jurisdiction. Then, when an issue like energy captures national attention, nearly every Congressman has an opportunity to be personally involved. During the first nine months of the 94th Congress, energy-related hearings were held by twelve committees and twenty-five subcommittees in the Senate and seventeen committees and thirty-five subcommittees in the House of Representatives. The Federal Energy Administration alone testified at forty-six Senate hearings, fifty-eight House hearings and eight joint Congressional hearings in 1975.

In addition to the support of Congressmen, the federal bureaucracy can count on the support of Congressional staff, particularly committee staff. The tremendous growth in staff—a 44.2 percent increase between 1970 and 1975—has created a Congressional bureaucracy which often has a vested interest in supporting its counterparts in the

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federal bureaucracy. When the FEA was due to expire in 1976, the eighteen staff members of the Energy and Power Subcommittee of the House Interstate and Foreign Commerce Committee automatically backed its extension. Their jobs depended largely on the continuation of the FEA.

Some reorganization is possible if the power structure of existing Congressional committees is not threatened. The creation of both the Departments of Housing and Urban Development and of Transportation, for instance, left the committee systems intact. However, former Undersecretary of the Interior John Whitaker recently stated that Congressional jurisdictional disputes blocked the creation of a unified energy department in the Nixon administration. For similar reasons, President Carter's proposed Department of Energy is likely to win quicker approval in the Senate than in the House. Senate committees were reorganized this year and jurisdiction over energy was consolidated in the Energy and Natural Resources Committee. Its chairman, Sen. Henry Jackson (D., Wash.), has enthusiastically endorsed the new department. Jurisdiction in the House remains scattered through numerous committees.

The federal bureaucracy does not always need to turn to its Congressional allies for support. Cabinet officials and federal bureaucrats are often capable of opposing on their own Presidential interference in their departments. Over the years the Cabinet departments have evolved their own special views on policy which reflect a blend of special and bureaucratic interests, and these positions are jealously guarded against Presidential encroachment. J. Edgar Hoover is the paradigm of bureaucratic resistance. The FBI was untouchable while Hoover was alive, and remains so to a large extent today because of his influence. Most bureaucrats, however, prefer to work quietly behind the scenes. Public resistance and outright opposition are usually left to Cabinet secretaries.

Most Cabinet officials, in fact, are chosen with the concurrence of groups having a special interest in the departments they will head. That is particularly true at departments like Labor, Agriculture and Commerce that serve a well-defined constituency. Peter Brennan, for instance, was head of the New York State Building and Construction Trades Council before he became Secretary of Labor. Such Cabinet officials represent first the interests of their departments and the groups their departments serve; the interests of the President and the public at large come second.

Even when Presidents attempt to circumvent the special-interest groups by making an "outside" appointment, they soon find their appointees adopting the viewpoint of the department. Walter J. Hickel, a millionaire with close ties to the oil industry, seemed an unlikely environmentalist when he was tapped for the post of Secretary of the Interior by Nixon. In fact, as Governor of Alaska he had favored the economic development of public lands in the state. Hickel, however, compiled an outstanding record on conservation issues at the Interior Department.

President Carter clearly sought the approval of the vested interests—labor, business, conservation, agriculture—served by the departments when he picked his Cabinet officials. In many instances he selected people who already had an ingrained interest in protecting their departments because they were part of the establishment served by the department. Secretary of Defense Harold Brown was Secretary of the Air Force in the Johnson administration. Secretary of Health, Education and Welfare Joseph Califano created many of its programs as Lyndon Johnson's deputy and alter ego for domestic affairs. Secretary of Transportation Brock Adams represented for twelve years a Congressional District in which Boeing Aircraft is the major employer. Secretary of the Treasury Michael Blumenthal was chairman of the board, president and chief executive officer of the Bendix Corporation. Others in the Cabinet, including some of the fresh faces promised by Carter, have strong ties to their constituencies. Secretary of the Interior Cecil Andrus, when Governor of Idaho, fought alongside conservationists to preserve the scenic and wild rivers of that state. Secretary of Agriculture Bob Bergland is a farmer and former member of the House Agriculture Committee. Secretary of Commerce Juanita Kreps was a member of the Board of Governors of the New York Stock Exchange, Inc., and served on the board of directors of several corporations, including the J.C. Penney Company.

Moreover, President Carter has promised to give his Cabinet officials unprecedented autonomy in running their departments. He has repeatedly said his Cabinet secretaries will not be dictated to by White House staff. In the Carter administration the Cabinet has not only the incentive to resist any reorganization but also a power base from which to do so.

And, in fact, several Cabinet secretaries have already begun to preserve and protect their departments from Presidential tampering. Brown said shortly after his nomination that he could not envision reducing the defense budget by the $5 billion promised by Carter during the campaign. Califano has stated that he did not become Secretary of the Department of Health, Education and Welfare to preside over its dismemberment. While Andrus reluctantly agreed to relinquish to the proposed Energy Department the authority to establish production goals for gas, oil and coal produced under federal leases, he refused to cede Interior's power to lease the land in the first place.

Under President Carter paper reorganizations of the executive branch and cosmetic reforms of the federal bureaucracy may be possible, as they have been in the past. But substantive changes are as unlikely now as they were seventy-two years ago when Theodore Roosevelt resolved to improve the government's efficiency. The real power in Washington, as President after President has discovered to his dismay, is not located in the Oval Office. It is held by the politicians and their aides, the top career civil servants and the political appointees. The arms of this political establishment will continue to support and protect one another, held together by a network of mutual self-interest, professional ties, and a shared belief that "this is the way it's done in Washington." □

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BOOKS & THE ARTS

Fathers and Sons

LAUGHING LAST: Alger Hiss. *By Tony Hiss. Houghton Mifflin Co. 194 pp. $8.95.*

MICHAEL and ROBERT MEEROPOL

Tony Hiss's book about his father begins, "At the age of seventy-two, my dad, Alger Hiss, has never been happier in his life." The book we wrote about our parents, *We Are Your Sons,* begins, "On July 17, 1950 . . . the FBI came to our apartment to arrest our father." The two books are that far apart in tone and perspective and yet they were both written by children of "victims" of the McCarthy period. *Laughing Last* is light-hearted, irreverent, and almost chatty as we learn about Alger Hiss's early life and the personalities of top-ranking New Deal officials. It is crammed with interesting anecdotes about the lives of Justices Oliver Wendell Holmes and Felix Frankfurter, Dean Acheson, Winston Churchill, and John Foster Dulles. A candid and readable account of Hiss's life, it manages to poke fun at his family's snobbishness and prudery while illuminating Hiss's own lack of snobbishness and the basic good nature which served him so well in prison.

The spirit of this biography can best be summarized by the title of the final chapter: "The Best Revenge is Living a Good Life." In contrast, our book is at least one-half tragedy. Our parents never came home. Fellow inmates did not cheer (as they did for Hiss) as Julius and Ethel Rosenberg walked from the prison. Instead, Tony Hiss reports that at Lewisburg Penitentiary, their executions were greeted with sullen silence by a prison population that included not only Alger Hiss but the chief prosecution witness in our parents' case, David Greenglass.

The differences go deeper. Our parents were Communists and Alger Hiss certainly was not. *Laughing Last* makes it apparent that Hiss, like the New Deal he served so well, had no Communist or even radical ideology. Nor was the New Deal coalition dominated by Communists as is often alleged. The left wing of the New Deal's support was in fact something of a Popular Front of the Communists functioning as what historian Norman D. Markowitz has called the humanitarian wing of "social liberalism," but the Communists were submerged in the New Deal, not dominant.

The basic thrust of the New Deal was the result of a merger of the two factions of social liberalism: the corporate reformers and the humanitarian reformers. Many historians have argued that the corporate wing has dominated reform movements in the 20th century, but we believe that the prominence of people like Henry A. Wallace in the governing coalition of the New Deal supports the view that there was a real contradiction with plenty of give and take within the New Deal between the liberals who wished to protect capitalism and those who wished to reform it.

Alger Hiss as a nonideological public servant was caught in the middle of one such fight while serving with the Department of Agriculture. The issue was whether the department should prevent Southern cotton producers from using federal payments to control "their" sharecroppers by giving the payments directly to the sharecroppers themselves. Hiss ended by siding with Al Davis who did not want the department to disturb "local stability" by offending the cotton farmers who were an important part of FDR's coalition.

Laughing Last indicates that during the 1930s Alger Hiss had not even internalized the New Deal's reformist ideology. He exhibited only a vague support for change and the liberal's traditional willingness to champion the underdog. Although we have never met Alger Hiss, his son's book seems accurate in its portrayal of a man without ideology. It is therefore not surprising that Tony Hiss does not delve into the forces behind his father's case. Those who were responsible for destroying Alger Hiss's career are described and dismissed as "shits." This they undoubtedly were, but we are not given an explanation of why "shits" were allowed to chart new paths for foreign policy to follow, nor why they were able to manipulate government bureaucracies to create Rosenberg and Hiss cases. There are a few lines in the book about a conflict within the State Department between Asian experts who saw England as our chief postwar competitor and Europeanists who feared the Soviet Union more, but this is scarcely illuminating.

The Hiss case was part of the process that produced and ratified the drastic changes this country wrought in its foreign and domestic policy in the years 1945 to 1950. When the humanitarian social liberals' ideology of reform was submerged in the tide of virulent anti-Communism that swept the nation, Alger Hiss was caught up in the current along with many other non-Communists like O. Edmund Clubb, John Stewart Service, John Paton Davies and Owen Lattimore. But *Laughing Last* makes no attempt to show why Hiss came to be accused and went on trial. Because we share enough common political ground with our parents to feel a commitment to transmit their ideology to the public in an undiluted form, our book includes an appendix which attempts to explain the roots of the cold war and to demonstrate why the government needed a Rosenberg case. Just as we needed this political explanation to tell our parents' story fully, so Tony Hiss's book shies away from such an explicit political statement and in doing so is true to his father's nonideological nature.

Alger Hiss saw his government work as a career, not a crusade. He wanted to be where the action was. He saw problems as challenges requiring solutions, yet he often missed the conflicting forces that created these problems. Thinking one could get by on good intentions alone, Hiss made many of his decisions without knowing what was at stake. His actions were often those of a conservative, because that was what the job required, and he was not particularly uncomfortable about working closely with Nelson and David Rockefeller. His central difficulty was that as a dedicated public servant he never quite understood whom he was supposed to serve if he wanted to remain on the job. Our parents quite conscious-

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ly opposed the basic policies of those in power and paid with their lives for their unwillingness to bend before this power—their unwillingness to lie and point the finger at other innocent people.

Hiss, on the other hand, was caught in the maelstrom because he had the individualistic temerity to think he could play by the rules of the game and protect his reputation from Whittaker Chambers. He sued Chambers for libel, leading Chambers to produce the Pumpkin Papers which in turn led to Hiss's own indictment. We believe that without the libel suit there would have been no Hiss case. One can sympathize with the impression Tony Hiss's book offers that his father never seemed to believe it was really happening, but the way the nation was moving people such as Chambers *had* to be believed—"proven" right. J. Edgar Hoover, J. Parnell Thomas, Joseph McCarthy and other "shits" had to triumph. And even non-Communist innocents—twice innocent, innocent of the crime for which they were accused and "innocent" of ideological intent to radically restructure the system—like Hiss had to be destroyed if they got in the way.

Although the New Deal social reformers pushed through many important changes, and although their foreign policy during and immediately after World War II foreshadowed "peaceful coexistence" and "détente," in the end they did not threaten the system they wished to change. And it is partly for this reason that Alger Hiss has been able to win a personal triumph and have the last laugh. But there can be no such complete revenge for the Communist and radical victims of McCarthyism. Their triumph can only come with a basic restructuring of American society. □

Critical Amnesia

MARILYN YOUNG

Gloria Emerson is what Robert Jay Lifton, in another context, called a "collector of justice." We should honor her for the same reason that Lifton would have us honor those who will not let the holocaust rest. Like them, she insists on remembering. "But the souls for whom remembering has the greatest importance," Lifton writes, "are not those of the dead or even the survivors, but our own."

The publication of Gloria Emerson's *Winners and Losers** has a significance beyond its intrinsic importance. The critical response to her book comprises another chapter concerning the impact the war in Vietnam has had on this country. At one point during her research, Emerson remarks that a professor who asked about her methodology did not see the joke when she told him half the book would be blank to show that there was no impact at all. The book's effect on reviewers has been a bit more marked than that. They have not been content to leave her pages blank. Since these are the same men who will no doubt be called upon to comment when the United States next fights a foreign war, it is worth taking time to analyze both why Emerson's book so enrages them and the mechanisms through which they, sometimes subtly, sometimes crudely, put her and the war safely behind them.

It is ironic that James Fenton's review of Emerson's book appears on the same page of the Sunday *New York Times Book Review* as Lifton's review of Howard Blum's book on Nazi war criminals, *Wanted*. Next to other reviewers Fenton is comparatively generous. He acknowledges the importance of the enterprise "while deploring much of its execution." She beats us over the head, he complains in a snide and trite sexist metaphor, "with the rolling-pin of her conscience." Her sentence structure he finds "deliberately neurotic," without explaining what a mentally healthy sentence might look like. But for the most part he is disturbed because he feels that Emerson has challenged him to rise to an impossible moral standard. The reader should be seduced, he argues, allowed to make up his own mind and Emerson should have shown a "higher opinion of his moral sensibility." Any man would rather be seduced and flattered than hit, like Punch, with a rolling pin, but it is Fenton who makes Emerson into Judy—it is not a necessary response to the book at all.

The reviews in the daily *Times* and the *New York Review of Books* were much worse. Given the swipe Emerson takes at him in her preface, it is curious that the *Times* asked Christopher Lehmann-Haupt to review it at all. Her effort, Lehmann-Haupt tells us, is quixotic: "for if Vietnam was truly a national trauma, as few would deny it to have been, then even those who have appeared to do so cannot really have forgotten it." Exactly, and the book is intended to connect us with that trauma so that the appearance of forgetting does not, as with personal traumas, become a neurotic reality. Like Fenton, Lehmann-Haupt assumes he is himself challenged by Emerson and found lacking. Her outrage is so great, he complains, "that a reader is almost bound to feel corrupt by comparison. . . ." Thus Emerson is blamed for the discomfort she arouses in readers like Lehmann-Haupt and Fenton, although nowhere in her book does she shake her finger at the reader, claim her own moral superiority, or in any way set herself up as our judge.

Taking the sophisticated man's dodge, Lehmann-Haupt finds the book "quintessentially boring," using that word to sum up "what you feel when you are already familiar with almost everything written about a subject, and when you are expected to sustain a sense of total unmodulated outrage, and little else, for nearly 400 pages." One is tempted to challenge Lehmann-Haupt on his familiarity with the subject, especially as he continues to discuss Vietnam as an "adventure" and to wonder "where we went wrong." Outrage is by no means the only key in which the book is written. That Lehmann-Haupt felt it was, and that he could not sustain it, is his problem.

Garry Wills's review essay in the *New York Review of Books* (January 20) was more distressing. Emerson's book is coupled with a new Tom Wolfe collection so that Wills may dismiss them both with even-handed malice. It is difficult to understand this. Wolfe's book includes an essay celebrating the air war and making (with apparent sincerity) the charge that North Vietnam deviously used Harrison Salisbury's trip to Hanoi during the bombing and transformed him into a weapon mightier than the B-52. Even when he is attempting irony here Wolfe is obscene, and coupling his book with Emerson's compounds the obscenity. To Wills, Emerson's deliberately laconic style is mere "splutter" while Wolfe writes (dots, dashes, exclamation points and all) with "brio." It is difficult to locate the source of Wills's animus. Unlike Fenton and Lehmann-Haupt he does not feel she has set him a moral quiz he is bound to flunk, yet he consistently distorts the sense of what she writes. "After all her

**Winners and Losers: Battles, Retreats, Gains, Losses and Ruins from a Long War.* By Gloria Emerson. Random House. 406 pp. $10.95.

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spluttering," he notes (the second time he has so characterized her prose) "Emerson must admit that the best thing written about the war" was Graham Greene's *The Quiet American*. The impression of a reluctant, forced admission of Greene's worth is entirely fabricated. The reverse is the case. She read it in 1956: "It was a first warning for me, but I dismissed the book as brilliant but cynical, until it came back to haunt me more than I ever thought such a small, light book ever could."

Wills charges her with "attributing every kind of malice to the colonizers, unable to understand that the war machine worked automatically, without malice, with a dutiful attention to technique." First, she does *not* mindlessly attribute malice. Long interviews with men like Wesley Fischel, John Gates, Jr. and David Sulzberger (the latter two minor functionaries in the CIA and CORDS respectively) make no such attribution and she is equally generous to innumerable soldiers who may indeed have functioned, as Wills says, dutifully, without malice. James Fenton's careless reading to the contrary, Emerson allows us to make up our own minds about such people. Secondly, Wills's bureaucratic interpretation of the war is just that—an interpretation, not a fact Emerson has overlooked. Emerson, he charges, sees malice where there was none, "and saintliness where there was little." In the morally opaque world which Wills depicts, a passion such as Emerson's is bound to seem melodramatic, even foolish. Indeed it is no trick at all to make her concern seem no more than stridency and hysteria, those staples of the female make-up. Her kind of protest, he casually informs us, "may have helped the generals," but he never describes how.

Homer Bigart's review in *The New Republic* (January 22) is an odd mixture of contempt, faint appreciation and accusation. Again a touch of anti-feminism characterizes the discussion. Bigart opens with the now familiar charge that Emerson is entirely too excited—an hysterical woman in short. He chides her for not being able to tolerate those who find Vietnam "less a moral crime than the thunderously stupid military blunder of throwing half a million ground troops into an unwinnable war." We must note all the implications here. Not only does Bigart find the categories of moral crime and thunderous blunder mutually exclusive, he comes close to locating the failure of the war in its unwinnability, not in the effort itself. Bigart's review moves ambivalently back and forth through Emerson's book. He finds her call to "nationwide repentance" unrealistic but sincere. He wishes she had spent more time talking about the war's immediate effect on her, apparently blind to the obvious fact that that is one of the book's central tasks. But what disturbs him most is the fact that she accompanied a firebombing mission by young non-NLF students against American military vehicles in Saigon. He mentions this twice in the course of his review and finally quotes Emerson's account in its entirety. "There is a question of ethics involved here," Bigart insists. A line must be drawn. Harrison Salisbury's trip to Hanoi was fine. Such reporters were "widely commended," but for an American reporter to willingly watch a "raid programmed to kill other Americans" is grounds for being expelled from the war zone altogether. "No army command could tolerate it. Emerson's involvement compromised any trust the American command had reposed in her." But, he concludes, avuncularly, "she won't do it again; it's her first war and she was overwrought. We will send her to the chaplain. . . ." The notion is that Emerson will grow up properly hardened to war and not let her enthusiasm for seeing it whole carry her away. One is reminded of a passage in the book itself. Describing her experience on a medivac helicopter, Emerson talks of a young soldier named John, whose head wound would not stop bleeding: "There were never doors on the helicopters, so the wind moved his hair where the blood did not make it stick. It all becomes normal, the other correspondents, men, would say. In time you'll see. They lied." We can only hope that Bigart's confidence in Emerson's approaching maturity is similarly misplaced and misguided.

There is another issue involved in Bigart's disapproval of Emerson's presence at the firebombing. American reporters routinely accompanied American troops and planes on murderous missions. No one thought it odd. No one thought it grounds for banishment from the war zone. Yet Bigart claims that Emerson's very presence on the mission was "incendiary," that the sight of her with her notebook made the students attack "more vigorously, if only to prove their manhood." Did the presence of reporters on American missions provoke American troops to prove their manhood? Was their presence also "incendiary"? And why rob these untrained, unskilled, barely organized and quite desperate students of their evident *political* dedication? Perhaps such acts prove manhood to Bigart, but how can he assume it to be the case for Vietnamese? And how can we trust reporters like Bigart who read commitment as *machismo*?

The curious thing about these hostile reviews is that they were all written by men who probably opposed the war. Why is it that they resent Emerson's work? In part, it is because she breaks

HIDEYOSHI

After the last battle,
the enemy having been cut to pieces,
he rode a short distance from the field
and dismounted.

Sat in his armor on the grass
and gave word to his staff
that he wished to make a flower-arrangement—
they, however, lacked the equipment.

So he took a bucket, and his horse's bit
(which he hung by one ring from the bucket-handle)
and rigged them into flower-holder,

then with his bloody sword
cut wild blossoms and grasses
and in an hour's silence
composed a subtle and delicate combination. . .

Those whom he had conquered
he now must judge:
he wished a mind clean-purged
of violence and ardor.

Frederick Morgan

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the rules of the club. Bigart is quite eloquent on the subject of Emerson's bravery in the field. She was, one gathers, one of the boys, a courageous professional risking her life along with the rest to bring back a story. The trouble is, she won't stop writing the story, and these men resist her demand for an emotional response which is personal, deep, and especially, continuous. Complete remembering is not a single act. It is almost a way of life. The remembering these men choose to do is far less demanding.

Even C.D.B. Bryan, who lived with the pain of a family who lost a son in the war, finds Emerson's "obsession" with it dignified but dangerous: "One who is obsessed too easily becomes possessed." (*Saturday Review*, February 5.) To whom is it dangerous? In the very act of naming it obsession Bryan distances himself. Still, with one exception, Bryan's review is the most sympathetic, sensitive and intelligent of those I've read. Unlike Bigart, he finds in her book "the obvious evidence of what the war had done to Miss Emerson herself. Her book dances with such exquisite agility on a tightrope between abysmal madness and pain that she re-creates exactly our nation's schizophrenia throughout those endless, dreadful years." It is Saul Maloff (*Commonweal*, February 18) who alone of the major reviewers really responds to the book Emerson wrote and not to some set of preconceived conclusions of his own. "Now," he writes, "we need a book that can move mountains and split the heavens, and that is the book Gloria Emerson has written." *Winners and Losers* "manages to catch the heart's faith." He is capable of seeing what the other critics missed, that this is a book written for the future so that, in its author's words, "a long record will exist, at least in a few libraries." □

Architectural Book Marks

JANE HOLTZ KAY

ALL THEIR OWN: People and the Places They Build. *By Jan Wampler. Schenkman Publishing Co. 207 pp. $19.95.*

The do-it-yourself myth dies hard in America, but self-help housing still seems more prominent in the expanding literature of architecture books than on the landscape. "Building is no longer a way for common people to take part in society's adventure," as Nicolaas John Habraken writes in the introduction, "Architecture has become the exclusive domain of professionals . . . who could dream for a generation or two that the world was there for them to shape and then to offer to ordinary people." Wampler, an M.I.T. professor who cares for the ways people have housed themselves without the help of architects, traveled cross-country to see their structures. One man built everything—house, chairs, benches, tables, lamps, a piano, a clock and even a fireplace—out of newspapers. That was more than fifty years ago. Another used the back of the Chesapeake and Ohio Railroad calendar to draw his design, then took bottles, marbles and a millstone to do the job. That was back in the days when you could barter hens' eggs for sugar. A third fellow used a pick, a shovel and a wheelbarrow to dig ninety rooms—"passages and courts each with an open hole to the surface for light and water for a fruit tree immediately below." He excavated 7 acres, started in 1906 and by the time he died forty years later, had dug a 700-foot auto tunnel to service his biggest dream: a restaurant underground.

Such oddities—or testimonials to the human design spirit—gained notoriety in 1970 when *Art in America* first displayed them on its pages and the Walker Art Center picked a few for exhibition, including two here, S.P. Dinsmoor's "Garden of Eden" and Herman Rusch's "Prairie Moon," eccentric regulars in this fantasy genre. For the most part, it is hard to relate these zany shacks and overwrought glass-studded stoneworks ("just a little different from anyone else") to more far-flung social needs. However much they engage the eye (even in these dim photos) and delight the mind with the irrepressible nature of the human spirit, they offer incomplete models.

ARCHITECTURE IN AMERICA. *By G.E. Kidder Smith. American Heritage Publishing Co./W.W. Norton & Co. 2 Volumes. 832 pp. $45.*

AMERICA'S FORGOTTEN ARCHITECTURE. *By the National Trust for Historic Preservation. Pantheon Books. 311 pp. $20.*

Far from being homely architectural waifs, the anonymous or "overlooked" structures in *America's Forgotten Architecture* make handsome subjects for the camera. Together with some decent prose by the book's anonymous or "unspecified" authors, these photographs form the basis of a very good architectural primer. Not that it detracts from its importance to say so but the notion that this rich architectural inheritance is either "hidden" or "forgotten" is rather fanciful. The National Trust has, after all, a burgeoning membership of some 100,000, and many an obscure niche now boasts its own illustrated walking tour. *America's Forgotten Architecture* takes this increased interest in discarded structures into account, and does not put itself forward as their sole discoverer or preserver. With its historical inclusiveness and its imaginative breakdown of the built environment into patterns, details, even smells and sounds, this ought to be a standard text for the study of preservation and an important volume to anyone who cares about the total landscape—both built and natural.

By comparison with this crisp, thoughtful work, the massive two-volume *Architecture in America* seems a somewhat flaccid enterprise: 9 pounds boxed, lacking only four legs to hold the tea-time tray. The author-photographer's eight-year trip led him from New England to Hawaii, yet his photographs all have about them the same beguiling tranquillity. Smith divides his book into geographical sections within which the chronology of buildings is scrambled quite casually, creating the effect of a free-floating collection, a random if engaging scrapbook rather than a scholarly or revealing work. An architect as well as writer-viewer, Smith makes the most of architecture, even framing the pencil-straight ennui of the World Trade towers into a compelling photograph. If you can overcome the uncritical, sometimes platitudinous prose ("The South covers a very large section of the United States"), and manage the weight, he provides a pleasant enough homebound tour.

DIARY OF A MAD PLANNER. *By Robert Snetsinger. Winchester Press. 204 pp. $6.95.*

The 1950s design axiom, thou shalt subdivide and multiply, and its 1970s look on the land dismays many people. It especially dismays people like Robert Snetsinger, a biologist who "knew where the pheasants and the mallards nested," who mourns the barn torn down and the advent of "two gas stations, a motel, a country-fried chicken place, a pizza hut, a drive-in root-beer stand, a factory for making cookie sheets, five prefabricated houses, a ready-mix concrete plant, and bowling alley." Alas, the turf is not new. Nor are the voices he hears

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saying "I was once a billowing sea of bluestem cattails, and slough reeds in the August sun. I was once goldenrod, blazing star, cornflower, and secret spots of purple gentians." Snetsinger replays these distress calls in a personal narrative which stands for more than one man's jottings; the auction note his farmer-father tacked up might be the obituary of a whole breed: "Due to my health," it begins, "the construction of a highway through my farm, and because my sons are attending college and cannot help me, I am offering my registered herd of Holstein cattle, for sale . . ."

No wonder Snetsinger is "mad." A wandering Acadian in Pennsylvania and the heir to a liberal tradition that landowners don't always possess, he deplores the postwar wave of newcomers who gobbled up the farms and spread havoc across the land. He is heir to more questionable doctrines too: "In the old days the town was run by the old families and the merchants. Now it is run by the real estate people and the undertakers. The land developers get whatever they want; the older residents in the community get the runaround, because they do not understand the new red tape," he snaps. "Each year taxes increase and the quality of life in Lake Grove deteriorates for those that were born there and those that have moved there."

A lively style and an activist approach save this from being another grouch from a "detoothed" member of the planning boards. One-liners punctuate the book: "Americans worship dead cars instead of God: in the beginning there were headlights and in the end taillights." Slight but provocative, the book gives us a self-questioning part-time planner who dreams of a "community of lady-slippers" and has the humanity to know that a cookie lady on every block would be the best thing that could happen to our neighborhoods. Like the planning profession as a whole, his goals are diffused and as a consequence the diary form is jumpy. He is the engaging after-dinner speaker—the right sentiments, a facile wit but not too filling. Still, gadflies aren't supposed to be builder ants. Every town needs a Snetsinger.

WINDOW

The distance between heat and cold
a window's width, glass light
held by an incursion
the way love is always shadowed.
In the beginning we reached
as if stricken by the need to follow
but you were afterwards afraid.
Now I am trying to figure out how far
we went, knowing it is winter
and a long stretch before the air
moves in and out at room temperature.

Ann Lauterbach

SEVEN AMERICAN UTOPIAS: The Architecture of Communitarian Socialism, 1790-1975. *By Dolores Hayden. The M.I.T. Press. 401 pp. $16.95.*

Communes are one place in which American architecture departs from its customary "pursuit of loneliness." Experiments ranging from the Shakers, Amanda and Oneida, to the Hog Farm and various "Drop Cities" find their place in this volume. The lesson of it all is the lesson of the past: "Contemporary communes ignore historic communal debates at the peril of repeating their predecessors' mistakes." The lessons in question may be summed up by Nathaniel Hawthorne's sad summary of the fate of most utopias: "Persons of marked individuality—crooked sticks as some of us might be called—are not exactly the easiest to bind up into a fagot."

As a manual for new life styles and their manifestation in design the book is illuminating. The communitarians themselves are an attractive lot with their commitment to the land, their aim to integrate city and country, their concern with a design for life. The text on these groups and the ample (sometimes too ample) photographs and diagrams are striking testimony to an imaginative use of stock styles and a vital search for something other than the customary American design for exploiting the land.

UNBUILT AMERICA: Forgotten Architecture in the United States from Thomas Jefferson to the Space Age. *Edited by Allison Skye and Michele Stone. McGraw-Hill. 320 pp. $14.95.*

What do a 100-foot high rainbow arch, a 1,000-foot centennial tower and Frank Lloyd Wright's Mile High Building have in common? What, for that matter, do a pirated Castilian monastery made into a Hearst castle, gargantuan housing titled "New Versailles," the Niagara Ship Canal, an underground city created by nuclear explosions, and Frederick Kiesler's Tooth House series share? As you might guess, this freaky lot is a collection of the unbuilt. So are the 300 or so other structures chosen

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by Allison Skye and Michele Stone of Site Inc., visual environmentalists with an open eye and a winning idea for their new book *Unbuilt America: Forgotten Architecture in the United States from Thomas Jefferson to the Space Age*.

Adopting the notion that there are "two distinct architectures and histories of architecture—the Built and the Unbuilt—and that . . . the history of the unbuilt is as valid a history of the art of building," the authors have gathered bottom-drawer plans from A (a visionary drawing by Raimund Abraham) to Z (landscape architects Zion and Breen's plan for Penn Station, destroyed, alas, with the vanished station).

The paper plan, the book notes, is often as lost as the architecture. Bygone ideas—made derelict by changing needs, changing times, changing finances—hit the wastebaskets, orphaned by their architects and clients alike. This book, like the more abstract or mythic history of architecture itself, recognizes that unrealized schemes such as Mies van der Rohe's Glass High-rise (though surprisingly not here) can be more influential than the built.

Visionary or awkward, conceptual or down-to-earth, the architecture chosen is a fascinating compendium even if it is all a bit unfocused and random. Raymond Hood's Manhattan bridge with apartments—"great bridges of skyscrapers"—is monumentally handsome in its drawing, as are the Hugh Ferriss charcoals or the even more fantastical "Restoration of King Solomon's Temple." The descriptions on the page-by-page portraits range from a pedestrian note by some bureaucrat to writings as florid as the works themselves. George Grey Barnard's dream in the 1920s, for instance, was to change " 'God's Thumb,' the rugged northern promontory of Manhattan Island, into an 'art acropolis' crowded with a splendidly enriched monumental ensemble." To do so, he toiled for a decade on the 100-foot high Rainbow arch now unseen and unsung.

Competitions and centennials fill the list of unbuilt buildings, volcanoes of light and wrapped buildings, a six-level piazza for New Orleans and Site's own ideas like RESTOP written on a highway approaching (naturally) a rest stop.

The authors are eclectic and offbeat in their choice, as befits their own position straddling art and architecture. "Straight" architects probably wouldn't have picked a "hologram" projection atop a Minneapolis tower and would have ignored Christo, Oldenburg, Smithson and the like. The skills the duo lacked, however, were those of codifier, summarizer, thesis-maker, historian. Simply by making the projects chronological, they could have given a sense of how yesterday's unbuilt influenced today. By arranging them as to origins—visionary or real—or reason for failure (economic, personal, social), they would have added weight, insight, and a less casual air to these engaging strays. □

THEATRE

HAROLD CLURMAN

Another new American playwright has appeared on the scene. His name is Albert Innaurato, he is 29, and he is now represented Off-Broadway by a one-act play called *The Transfiguration of Benno Blimpie* (Astor Place Theatre) and a two-act play called *Gemini* (Circle Repertory Theatre).

There is always a danger in speaking of promising playwrights (I alluded to it in discussing David Mamet's *American Buffalo*): we are so pleased by their emergence that we flood them with rapturous verbiage—a blessing for advertisement. Then, if the new playwright doesn't fulfill his, or rather the reviewer's, "promise," he is either forgotten or disparaged at a later date. The more praise at the beginning, the greater the ensuing neglect and discouragement.

The Transfiguration of Benno Blimpie is preceded by another one-act play, *Side Show*, by yet another new writer, William Dews. The double bill is presented under the descriptive heading, "Monsters." The title is significant.

Seven years ago I wrote apropos of Tennessee Williams that he "had opened our eyes and hearts to the victims of our savagely mechanized society, the company of the 'somehow unfit,' the fragile, the frightened, the different, the odd and the lonely, whose presence in our world we have so long sought to avoid thinking about and recognizing as our kin." The two plays at the Astor Place Theatre are even more emphatically of that nature.

The "monsters" of William Dews's play are Siamese twins. They shame and are despised by their parents, until the latter realize that their unfortunate offspring can be made a source of profit through sideshow exploitation. This so humiliates the two sons that they murder their parents and then kill themselves. The symbolism is clear. My reaction to the play, after a moment of discomfort, was indifference rather than hostility. There is a regrettable tendency with such dramatic blatancy to find it queasily comic.

Innaurato's "monster" is a grossly oversized boy, the son of poor Italian parents. He is Benno, cruelly nicknamed "Blimpie," and more an object of disgrace than of sorrow to his mother and father. He is mocked and tormented by everyone in a neighborhood apparently inhabited exclusively by sordid and vicious characters. Benno, a sensitive boy (he loves paintings), suffers abominably from the treatment he is subject to and the horror of the life in the streets outside his home. He is determined to do away with himself by constant eating, but doesn't wait till that death overtakes him. He kills himself with a butcher's ax.

Despite its weird premise, *Benno Blimpie* is essentially a realistic play. Local color is established by scenes of a grandfather who makes lubricious advances to a depraved teen-aged girl who stabs him to get his money, and by scenes of wretched quarrels between Benno's mother and father. The mother is an especially well-written role, pathetically funny, and very well acted by Rosemary de Angelis. The play is slightly "stylized" by having Benno seated on a platform above the center stage level, where he describes himself and the terror of his existence in, for the most part, a third-person narrative. This does not do much to alleviate the agony of the "story" nor alter the basic naturalism of the style.

One perceives the authenticity of the author's content and ability in his writing. James Coco, always a vivid actor, makes Benno both a pitiable and arresting figure which, in the event, is something of a feat. The rest of the cast, Peter Carew as the grandfather and K. McKenna, at whose hands he dies, are also effective. Both plays have been well directed by Robert Drivas.

Though less striking, more conventional in subject matter and treatment, *Gemini* is probably the sounder play. In a South Philadelphia, chiefly Italian ghetto neighborhood, where the natives refer to WASPs as "white people," live the Geminiani family. The father is a morally generous hulk of a laborer whose nice (Protestant) wife left him to marry another man. He now consorts with a plain looking, not very bright woman of farcically wretched table manners and kindly disposition. His 21-year-old son believes himself, no doubt for good reason, to be a homosexual. He is a scholarship student at Harvard and has made friends with two well-to-do class-

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mates, brother and sister. The girl is in love with him and he is in love with the brother.

A foul-mouthed Irishwoman who lives next door to the Geminianis has a son (by an estranged Jewish husband) with an ungainly body and a fixation on trolley cars. He suffers terribly from asthma and is a cousin-by-authorship to Benno Blimpie of the shorter play. This "fat boy" is a thoroughly good soul who craves companionship.

What is best in the play is its depiction of the physical and emotional turmoil of the milieu. (Ghettos, no matter of what ethnic complexion, tend to resemble one another.) One feels that the author is what Mr. Geminiani calls "good people," even when they are "white."

The cast has been well chosen. The temptation for the director, in such instances, is to overdo the ghetto eccentricities, the ugly as well as the hilarious crudities, and to compensate for them by a thick overlay of sentiment. Peter Schifter on the whole avoids both pitfalls. Danny Aiello as the father is an actor who, I believe, has possibilities for roles of greater (possibly Shakespearian) dimension. Annie DeSalvo is killingly funny as his "woman," Robert Picardo as the troubled Geminiani is wholly convincing. In fact I like all the actors: Reed Birney, Carol Potter, Jonathon Hadary, Jessica James.

Applause and a respectful bow to the author, but it is not yet time to dance in the streets on his account. We look forward to his further writing. □

ART

LAWRENCE ALLOWAY

The Gustave Caillebotte retrospective at the Brooklyn Museum (until April 24) is a thorough show of an artist whose achievement turns out to be impressive. He is known for his bequest of Impressionist paintings to the French Government, but this exhibition will insure his rehabilitation as a painter. A large catalogue, though occasionally labored, provides essential information, much of it for the first time. Of the various contributors J. Kirk T. Varnedoe seems to have been central and his interpretations dominate the text.

Caillebotte's best work tends to be early rather than late, but his life was not long; born in 1848, he died in his 45th year. His work between 1875 and 1880 is extraordinary. It includes a group of paintings of work subjects—floor scrapers, house painters, oarsmen—and a series of views of modern Paris that show a dazzling spatial wit. There are balcony views in which the eye jumps from foreground platform to discontinuous roofs and façades, with the middle ground literally dropped out. There are vertical views, looking down at the street, with no trace of a horizon line. His command of the urban landscape was incomparable. In "Le Pont de l'Europe," 1876, for example, a vista plunges from foreground to vanishing point, the lines indicating recession carried by the gutter and the iron girders of the bridge. The ground plane is occupied, with great precision, by near figures on foot and tiny distant carriages. The continuous plane carries contrasting near (large) and far (small) forms. In addition there are views through the girders and between people, glimpses of small, segmental spaces in contrast to the broad expanse of the boulevard. That these pocket spaces were intended by Caillebotte is clear from "The Balcony," a painting devoted entirely to a view of the street seen obliquely through the filigree of a shallow iron grille.

The largest of the intricate, modern city pieces, "Paris, A Rainy Day"—"Caillebotte's masterpiece," Varnedoe calls it—is missing. The Art Institute of Chicago, which owns it, has damaged an important exhibition by withholding it from New York. Since the Musée du Petit Palais, Geneva, was willing to lend "Le Pont de l'Europe," why would the Institute not cooperate? It was not being asked to lend to an exhibition of "Paris in Art," or something of that sort, but to the significant re-evaluation of a substantial artist. The obligation to lend should have been overriding.

However there is a great deal to discover and admire in Caillebotte's art, and anybody interested in the problems and solutions of realist painting will be fascinated by the exhibition. For example, in 1875 Caillebotte painted "The Yerres, Rain," a small canvas that reveals both his capacity for scrupulous observation and his sense of structure. In the foreground the river bank, a firm oblique plane; in the upper third of the painting, a cool green frieze, the far bank; and in between, taking up almost half the picture, the river animated by the play of concentric circles indicating rain. Candid observation and systematic composition are superbly coordinated. Who noticed the effect of rain on water before and who responded to it, not as a random disturbance but as a regular pattern?

In his later work, influenced perhaps by his friends among the Impressionists, Caillebotte's paint is richer, but the crystalline definition of space is blunter. Several still lifes of the 1880s show him more responsive than earlier to texture, matching his paint to black and white grapes, or to the feathers of dead game

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and the fur of rabbits. But in the painting of a decade earlier Caillebotte was brilliant, cleareyed and endlessly inventive, with sensory input and sense of order marvelously attuned.

I have referred a couple of times to the Whitney Counterweight exhibition (*The Nation* February 5, March 19) because I felt it was important that the inadequacies of the Whitney Biennial exhibition be exposed by artists themselves. Apparently the first mention of dissent seems to have been at a meeting last December. Three months later, the show materialized at five downtown galleries—so promptly that the Whitney Biennial was still lumbering on uptown. I wonder how long it took the Whitney curators to prepare their show? It would be interesting to compare the timetables of the two exhibitions. Artist-originated shows often take place faster than the leisurely productions of curators. "Women Choose Women," an artist-run show at the New York Cultural Center in 1973, was also prepared in a few months, compared to the year or two lead time curators expect for their tasks.

The Whitney protest show looked handsome, with some resemblances to its uptown rival. Four of the five galleries that housed it (Auction 393, James Yu, the Aames, the Cayman) are typical SoHo loft spaces: the floor a great wooden expanse, the walls tall and white, with iron columns optional. In these planar zones there was a good display of two kinds of work: (*1*) loose hanging pieces, soft things, materials pinned to the wall with neither stretchers nor frames; and (*2*) multiple-part pieces, roaming between assemblage and conceptual art, collage and bulletin boards. Both the natural-look art and the compilation works were seen to advantage. Realists, however, were no better treated than at the Whitney, and though the Cayman Gallery preserved its Third World look (with a range of imagery from tribal to folksy to psychedelic), most of the work was not strong enough to provide an alternative to the main style directions of the show. Still, within its limits the show introduced artists with names newer than the Whitney's conventional roster.

An important opportunity was missed. Criticism of the Whitney shows has been pretty sweeping, but a recurrent point has been the underrepresentation of women, black and Puerto Rican artists. Demands for a quota system may have had a largely polemical value at first, but why not? At a time of proven low performance in museums and of high incidence of artists, why not consider the use of nonaesthetic mechanisms of selection? The argument against it, of course, is that "quality" will suffer. The Counterweight organizers, however, relied on the usual method of personal selection, a mixture of aesthetic preference and allegiance to friends. A quota system would distribute these factors more fairly, without losing the element of self-expression everyone values so highly. In fact the show approaches equity with forty-four women and forty-nine men, but it would have been better to have achieved it by principle rather than by accident. And certainly black and Puerto Rican artists are thinly shown.

It would have been interesting to see how quotas actually looked. It is not as if it were a proposal to upset a satisfactory existing condition. On the contrary, it is suggested as a correction of a system that is working very badly. Obviously, professional curators will not introduce it, but this artist-run exhibition was the perfect occasion to try it out. It would have changed not only the cast but the system. Why did these dissidents conserve the traditional magic of "personal choice" when they could have innovated?

One hopes that the Counterweight will lead to other shows and that these will take organizational risks and not conform to patterns set by their masters uptown. In future, too, members of the organizing committees should consider carefully whether or not their own work should be included in the show. If artist-originated shows are to have credence they have to be above suspicion. Most of the artists on the executive and selection committees are rather handsomely represented in the show. One selection committee member appears twice, both times with oversize pieces: rejected artists may well feel that they were suppressed to make room for Betsy Damon, which is not a good basis for future development. □

DANCE

NANCY GOLDNER

Whenever it becomes necessary to argue that, with a few exceptions, choreography is still in its infancy, one can point to the dearth of humorous dances. Even with some of those exceptions in mind, it is often safer to forget the theory that a person's intelligence can be gauged by his sense of humor. I would prefer to forget, for example, Merce Cunningham's recent *Travelogue*. I have managed to forget Antony Tudor's *Gala Performance* of the Russian, French and Italian prima donnas. I was on the way to forgetting Eliot Feld's *Cortège Parisien* until *Variations on America* came along this March, during the Eliot Feld Ballet's season at City Center. Feld has a sure knack for snapping at the hand that feeds him. *Cortège Parisien* is set to the *Fête Polonaise* of Chabrier. To my ears, this is wonderful music; at any rate, it once inspired Balanchine to compose a rip-roaring conclusion to *Bourrée Fantasque*. Feld, however, seizes upon Chabrier to poke somewhat sniggling fun at both fetes and polonaises. No wonder that the ballet's humor is overcast by the snide remark. Without such forms as the polonaise, Feld would never have been able to choreograph *Intermezzo*, his best ballet to date. Without the spirit of fete, choreographers would be hard put to find a pretext for having people dance together on a stage.

Variations on America, a duet for Christine Sarry and guest artist Mikhail Baryshnikov, is less perverse than *Cortège Parisien* because it is set to music already satirical: Charles Ives/William Schuman's off-green variations on *My Country Tis of Thee/God Save the Queen*. If the music works, it is because Ives latched onto a melody with a sickly underside. Feld, however, has yet to find the right crevice to dig into. As in *Cortège*, he uses traditional technical virtuosity as his weapon of parody. Although *Variations on America* gets a few laughs for its unpatriotic gestures, its premise is that big, fancy leaps and partnering maneuvers are ridiculous. *Variations on America* asks us to believe that the *pas de poisson*, which finishes off the *grand pas de deux* of *The Sleeping Beauty* as well as Feld's ballet, is as crass as a drum majorette's strut; and that to reveal this parallel is as naughty as wiping one's brow with an American flag, which is what Baryshnikov does during an on-stage break. What Feld does not care to acknowledge is that without the spectacular fish dive and the exalted state of being to which it contributes, no one would find ballet especially entertaining or beautiful. (One need only check out Nureyev's recent "art" program of three dreary ballets at the Uris Theatre to confirm this.)

Although Feld is dependent on the technique that was developed in the late 19th century—and which, not so incidentally, has come to its fullest fruition in the gentleman for whom *Variations* was made—he cannot accept the choreography which grew side by side with, and perhaps necessitated, what was happening in the classroom. To accept the form while denying the content can only be schizophrenic in ballet. If Feld is

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as antagonistic to flourish and fanfare as *Variations on America* suggests, he might do better to follow the footsteps of the early modern dancers, or to some extent, Nijinsky and Tudor. Honest enough to reject instead of satirize, they tried to create techniques that would enhance the kinds of manners and morals they wanted to put on stage. Feld's urge to flaunt the paradox in which he finds himself is hardly good for a laugh. Nor does his use of his best dancer, Sarry, and the world's best dancer, Baryshnikov, engender those feelings of affection one normally associates with comedy. For the expertise and charm radiating from these two was often intended to make them look foolish. One would have liked to applaud them wholeheartedly; one would have done so had the host been less insistent on finding their flash mildly contemptible.

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HARVEST

East of the sun's slant, in the vineyard that never failed,
A wind crossed my face, moving the dust
And a portion of my voice a step closer to a new year.

The sky went black in the 9th hour of rolling trays,
And in the distance ropes of rain dropped to pull me
From the thick harvest that was not mine.

Gary Soto

In his second new ballet of the season, *A Footstep of Air*, and in other works too, such as *Excursions*, *Sephardic Songs*, *Mazurka* and *The Consort*, Feld does indeed find a possible passageway out of his bind. Distrustful of high classicism and the extreme pride in self it embodies, Feld has more or less invented a low classicism through the use of folk dance. *A Footstep of Air* is an important ballet, I think, for its total commitment to and often ingenious meld of folk and ballet. The resulting style permits Feld to embrace the bold postures of classicism—particularly the erect spine, the one principle that has caused a crisis of faith in many other choreographers—without having to contend with its profound sense of aspiration. *A Footstep of Air*'s central female motif is a good example of the amalgam and, for my money, worth the entire ballet. In a variant on the classical *échappé*, the women thrust their legs apart about a foot's span and spring up onto *pointe*. Then they rusticate it by bending their knees just a bit, leaning forward just a bit, and crooking their arms at the elbow. Instead of pulling up, they dig in. Their silhouettes are saucy, a delectable foil to the men's more solid brushes and jumps. The best moments of *A Footstep of Air* foretell a ballet that could incorporate folkish dance—the women's jagged piquancy against the men's staunch shoulders and solid kicks—without referring to folk life as a pretext; and, furthermore, a ballet whose accompaniment could be standard Beethoven rather than Beethoven-arranged folk songs from Scotland and Ireland.

That it is possible to see in *A Footstep of Air* the seeds of abstract treatment is a measure of its occasional excellence. The wish that Feld had in fact limited his thoughts to folk dance is a measure of the ballet's failure. Whenever he comments on folk life, once again it is with snidely gratuitous jokes. A dance for a shepherd and his staff could have been a fine example of bizarre humor, for out of the half-funny, half-weird situation, in which a man engages a pole in a veritable *pas de deux*, grows a truly compelling languor and amazing slow-motion effects as Edmund LaFosse vaults over and around the pole. Given LaFosse's nobility and restraint, his dance could have had just the right touch of irony had not Feld pricked it with jokes about mosquitoes and dung.

As in *Variations on America*, Feld cannot suppress the smart-ass in himself. And once he pushes the audience into that frame of mind, he loses control of its reaction to subsequent dances. Having been startled by LaFosse's swats at flies, the audience is so eager to be on top of the next joke that it laughs too soon and too often. Perhaps this necessity to be on guard for the next rug-pull is what makes *A Footstep of Air* proceed in fatiguing seesaws instead of invigorating changes of pace. Another reason for its fitful pacing might be Feld's curious resistance to the ballad idiom. Thoughts such as "Sally is the heart of my delight and she lives in our alley" and the sweetly yearning melodies attached to such feelings are so typical of Scottish ballads that one would expect a choreographer to embrace the sentiment if he is going to use the form. Again, Feld takes up the form only so that he may destroy its content. For Christine Sarry he creates a simpering dance; for Linda Miller, a mechanical doll's dance. Again, he will not let one enjoy the things one had always assumed to be just fine, like nice, weepy love songs. He niggles away at them in very loud stage whispers, which is why the one full-throated comic dance is so refreshing. It is a whirlwind solo that Feld made for himself, and in which he plays a dithery Scotsman passionately devoted to and passionately incompetent in the art of dueling. The difference between the duelist and other of Feld's characters is the difference between a Sir Peter Teazle and a Joseph Surface. One difference between Sheridan and Feld is that the character Sheridan calls villainous Feld calls clever.

Happily, its first season in a large New York theatre found the company dancing with just that fullness of spirit Feld missed in his new ballets. *Harbinger* looked crisper, *The Consort* grander, and *The Gods Amused* surer in its serenity

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than in past seasons. *A Footstep of Air*, for the company, was also well danced, and well costumed in gay pastels by Willa Kim. I have already mentioned Edmund LaFosse's authority in this ballet. The restraint that made his shepherd so interesting also made the *Angst*-ridden part he dances in *At Midnight* extraordinarily powerful. Michaela Hughes is becoming an unusually delicate dancer; Helen Douglas's delicacy has developed a nice tart flavor. Linda Miller is the company's image of gentility. Gregory Mitchell's robustness and Eliot Feld's powers of concentration are useful to the repertory. Jeff Satinoff seems to get better each day; already he is thoroughly endearing as a personality. Only Christine Sarry seems to be marking time right now, although she is still the troupe's most trustworthy crowd-pleaser. All in all, the company is turning into a well-seasoned and variously seasoned performing unit, which is just what the repertory system is said to encourage. The Eliot Feld Ballet is one of the few dance groups for which that system works. □

INDIGENOUS MUSIC/Nat Hentoff

Some weeks ago, an American doctor who had twice visited China in recent years decided to introduce jazz to some of the members of the Chinese delegation at the U.N. This was both in gratitude for cultural courtesies shown him in their homeland and also to counter the notion they seemed to have that all American popular music is at least as loud as the Concorde, and without its technical grace.

For a couple of hours, in a modest room at a midtown hotel, the Chinese guests listened to a small combo headed by Herb Hall, a pungently lyrical, 70-year-old, Louisiana-born clarinetist. The band mixed such strutting New Orleans anthems as *High Society* with swing-era standards. Throughout, the men and women from the Chinese delegation appeared much absorbed, for clearly this kind of American music was new to them. When the last set was over, one of the highest-ranking officials said to the host, "I believe I understand. This is American folk music." He went on to say, if I caught the conversation correctly, that the music was also rather inspiriting. He had been taken with the players' evident devotion to their calling. This was joyful, yet serious music, requiring much discipline. In sum, indigenously solid.

A musician with particular expressive force that evening was a young trumpeter, Warren Vaché, a regular in Herb Hall's band at Eddie Condon's in New York. Vaché, though already possessed of his own style, has roots all the way back to Louis Armstrong in terms of his economical, sometimes flaring melodic conception. But then, every trumpet player in jazz, one way or another, is based on Louis Armstrong. Or, as Dizzy Gillespie said in 1970 at a celebration of Armstrong's 70th birthday, "If it hadn't been for him, there wouldn't have been none of us. I want to thank Mr. Louis Armstrong for my livelihood."

Listening that night with the members of the Chinese delegation, I wished that they could have heard Louis in person for, to the very end of his life, even when he seemed entirely played out, a moment would come when, as the late Edmond Hall (Herb's brother and a long-time Armstrong associate) said, "Louis's sound would just get *cracking* and I'd get goose pimples."

Armstrong toured most of the world, but never China, that thawing of foreign policy having come too late for him. Now that several members of the Chinese delegation seem interested in learning more about jazz, I hope they will acquire some of Armstrong's albums, since he has left the most brilliant body of recorded work of any jazz figure except Duke Ellington. Brilliant and exhilarating; still startling, for instance, in their drive, inventiveness and glorious tone, are such Armstrong revelations as *West End Blues* and *Weather Bird*, included in the best single collection of his music of the 1920s—the two-LP set, *Louis Armstrong and Earl Hines 1928* (The Smithsonian Collection, Post Office Box 1641, Washington, D.C. 20013).

Now, as part of its generally estimable Bluebird reissues series, RCA has produced a two-volume *Young Louis Armstrong/1932-33*. It's a motley assemblage, ranging from novelties to ballads to down-home New Orleans classics (*High Society* and *Mahogany Hall Stomp*). But whether the material is flimsy or challenging, Armstrong transforms just about every track into a still extraordinary fusion of virtuosic technique and the kind of musical narrative skill which Roy Eldridge once described when he told of first hearing Louis:

> He started out like a new book, building and building, chorus after chorus, and finally reaching a full climax, ending on his high F. It was a real climax—right, clean, clear. The rhythm was rocking, and he had that sound going along with it. Everybody was standing up, including me.

Louis could also be, as in this Bluebird set, a player of such seemingly naked simplicity that one wondered why the effect was so complexly resonant. "It's subtle," Bobby Hackett once explained to me. "You can hear him playing the melody almost straight, with that full, singing sound, and then he'll change just a note, and phrase the theme just a little differently, and it's like a whole new way of listening to the song. That's a lot harder, you know, than running up and down the chords." Indeed, Louis did not waste notes. He left space, improvising silences. Louis got down so deep, he could make you cry. Then, in the next number, as Dizzy Gillespie once said, he could make you "laugh right in the middle of the solos."

A protean force was Louis Armstrong. Did he think he made folk music? He claimed not to understand the question. "After all," he said, "horses don't make music, do they?" □

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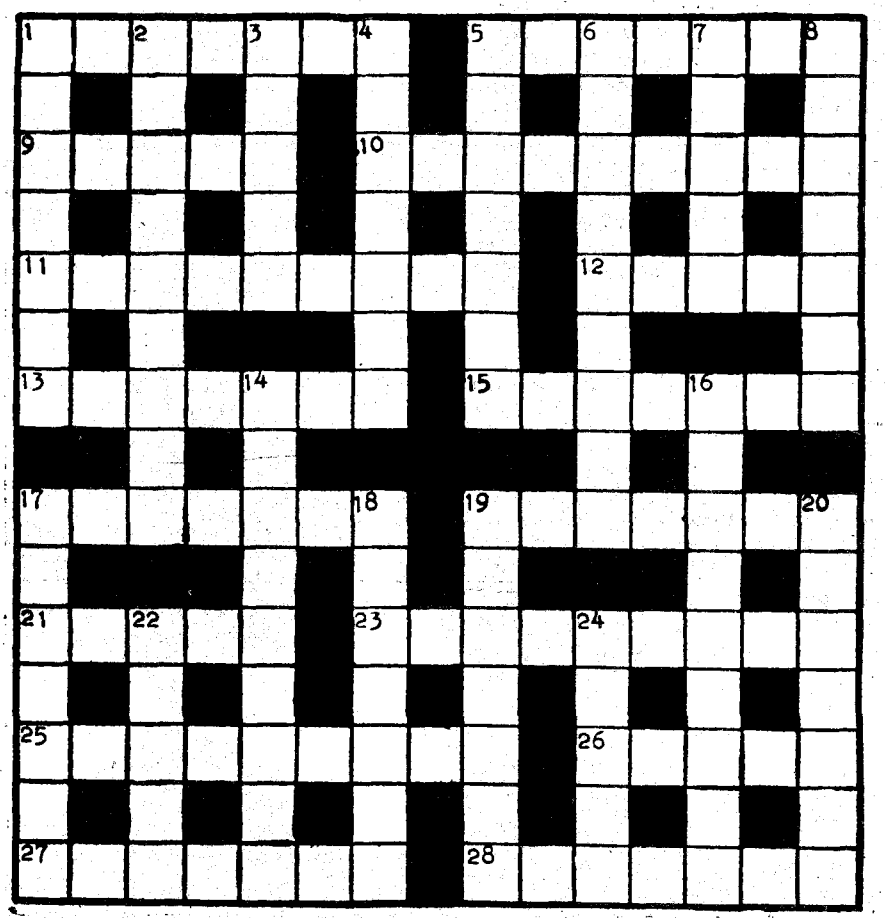

ACROSS

1 and 5 down You don't get much change when you take one. (7,7)
5 But they probably work under lights, the villains! (7)
9 and 10 What you might be doing, playing the role of the Informer? I'm in complete agreement with it. (5,7,2)
11 It takes a second to do it in advance. (4,5)
12 Make the speech complete. (5)
13 Doesn't take long to see different angles this way. (7)
15 Longed to take some time to study, coming back to it. (7)
17 In a little drink, I'd consider it tasteless. (7)
19 How asparagus might be picked up with a fork? (7)
21 A day in the Bowery? (5)
23 Exhibitors do, with a special work of art. (9)
25 What the obstetrician has with a difficult case is a very persistent idea. (9)
26 Announce one has a fairly large number on target? (5)
27 Getting together seems to be a controversial subject nowadays. (7)
28 The bare facts are obvious when something is. (7)

DOWN

1 and 17 down An animal all dressed up in a bonnet is evidently a risky thing to secure this way. (3,1,3,2,1,4)
2 Such covers sound good for those in a row, but they're usually put on indoors. (9)
3 A near pile-up in the sporting place. (5)
4 They might be familiar with many types of dogs. (7)
5 See 1 across
6 A Spanish hero to the so-called upper class, no longer living? It's sour! (9)
7 Entered the bar? Only if parts of it are reversed. (5)
8 You might find a female non-objective, but a radical, possibly cut off. (7)
14 All the trappings, with false airs when the bird is around. (9)
16 Her charges might not be very big, tending her business. (9)
17 See 1 down
18 Nevertheless, it's deep in some ways. (7)
19 Possibly served mashed, as they used to say. (7)
20 Would you find me in fear of what you did last night, possibly? (7)
22 Over-bidders might attack this way. (5)
24 Might be grown in Cape Canaveral. (5)

SOLUTION TO PUZZLE NO. 1672

ACROSS: 1 and 15 Throw in the towel; 5 Alaskan; 9 Gamer; 10 Sell short; 11 Tell; 12 Altogether; 14 and 3 Barbed wire; 17 Ringside; 19 Poorly; 22 Fast asleep; 26 and 25 Strike the hour; 27 Omega; 28 Sumpter; 29 Thrusts. DOWN: 1 Tight; 2 Rambler; 4 Nestle; 5 and 23 All to the good; 6 Abstention; 7 Know-how; 8 Naturally; 13 Mess jacket; 14 Bare fists; 16 Idolater; 18 Nostrum; 20 Rooters; 21 Repent; 24 Draws.

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